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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third periodic reports of States parties*

The Netherlands**

Contents

Chapter		*Page*
1.	Notes on the report	3
2.	Emancipation policy in the Netherlands	8
3.	Article 1: Discrimination against women, with particular reference to the prevention and elimination of violence against women	21
4.	Article 6: Trafficking in women	39
5.	Articles 7 and 8: Political and public life	48
6.	Article 9: Nationality rights and legislation on aliens	67
7.	Article 10: Formal and non-formal education	74
8.	Articles 11 and 13 a and b: Employment and economic life	87
9.	Article 12: Health care and welfare	115
10.	Article 14: Women and agriculture	123
11.	Article 16: Law of persons and family law	129

* For the initial report submitted by the Government of the Netherlands, see CEDAW/C/NET/1, CEDAW/C/NET/1/Add.1, CEDAW/C/NET/1/Add.2 and CEDAW/C/NET/1/Add.3, considered by the Committee at its thirteenth session. For the second periodic report submitted by the Government of the Netherlands, see CEDAW/C/NET/2, CEDAW/C/NET/2/Add.1 and CEDAW/C/NET/2/Add.2.

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Annexes

I. Summary of the in-depth study on the prevention and elimination of violence against women and overview of recommendations of the Committee on the Elimination of Discrimination against Women on this subject 135

II. Experiments to facilitate combining work and care in the Netherlands 158

CHAPTER 1 Notes on the report

Introduction

This is the third time that the Netherlands has reported to CEDAW, the Committee established under the UN Convention on the Elimination of All Forms of Discrimination against Women.[1] In order to put the international reporting process back on schedule, this report follows less than two years after the previous one, rather than after the four-year interval prescribed by the Convention. The fourth such report will follow in 2004.

Because of the far shorter than normal interval between the two, this third CEDAW report is merely an update on the second, although drafted in such a way that the two reports can be read independently of each other. The government of the Netherlands has asked CEDAW to discuss the two reports together in 2001.

Section 3 of the Dutch Act approving the UN Women's Convention includes a provision on national reporting. This was proposed by member of parliament E. Kalsbeek-Jasperse and requires the Netherlands government to report to parliament every four years on the fulfilment of its obligations under the Convention before submitting a report to CEDAW. The Netherlands is believed to be the only country that has placed the implementation of the Convention on its national political agenda by means of an extra monitoring mechanism of this kind.

The second CEDAW report was duly preceded by a national report but this procedure has been omitted in the case of the third. This time, priority has been given to bringing international reporting back on schedule, in combination with the creation of a regularly alternating schedule of national and international reporting. The next international report in 2004 will be

[1] CEDAW – the Committee on the Elimination of Discrimination against Women – is the UN Committee empowered to consider the progress made by States Parties in implementing the Convention. The powers and expertise of the CEDAW members are described in article 17 of the Convention. The Convention is variously referred to in this text as the Women's Convention and simply the Convention.

preceded by a national report in 2002. In other words, this third report will be followed by a regular cycle of reports appearing at two-year intervals. This will keep the implementation of the UN Women's Convention on the political agenda and at the same time help to maintain the momentum of growing public interest in this particular human rights convention.

This first chapter explains the structure of the report and outlines the contents of the other chapters. The information in the report is as up-to-date as possible but is largely based on data available in spring 2000.

Structure of the report

The structure of this report is identical to that of the preceding one. The discussion of the various articles of the Convention is based in each case on a three-part categorisation based on the three sub-aims which can be derived from the Convention text:

1. To achieve complete equality for women before the law and in public life. This is a reference to the aim specified in the Convention that women should be treated equally by the legislature, the public administration and the courts (policy level 1). In this report, this level of discussion not only describes current and planned statutory measures, but also outlines the present state of play regarding the article under discussion. It is hoped that the inclusion of such an update in each report will give readers an impression of the progress being achieved via primary and secondary legislation and current policies.

2. To improve the position of women.
   Each of the subsequent chapters then discusses the different means being used by government to attempt to eliminate discrimination and abolish existing inequalities in society (policy level 2). In general this comes down to describing the policies currently being pursued on the basis of existing primary and secondary legislation.

3. To combat the dominant gender-based ideology.
   Finally, the report indicates as far as possible how government is attempting to change existing structures and cultural forces which help to maintain established and hence dominant views on what are deemed to be typically male and female characteristics. These views lead to the assignment of different roles to men and women, with the role of women often being subordinate to that of men (policy level 3).

This style of reporting means that some articles in the Convention are not the subject of separate discussion. An example is article 15, which prescribes the equality of men and women before the law. This particular article is automatically covered by the description of level 1 measures relating to each article, assuming that there are in fact any new developments in primary or secondary legislation to report in connection with that article. Another example is article 5, which concerns patterns of behaviour. This features in the different chapters as 'the third level' of policy discussion: the place where the report discusses cultural change as a strategy for achieving social emancipation. The following list of chapters provides guidance on the location within the report of discussions on the various Convention articles. With the exception of chapter 2, which concerns Dutch emancipation policies, all the chapters adhere to the three-level presentation explained above.

Content of chapters

Chapter 2

The government's general emancipation policy provide a structural guarantee of its continued interest in improving the position of women and can therefore not be ignored in this report. This is the only chapter in the present report in which policy is not discussed in terms of the three levels. Although that approach was adopted for the corresponding chapter in the second report, it has been abandoned on this occasion because it would have produced duplication of material already supplied in the previous report (for example, on legislation) and because the division of the chapter into 'first track', 'second track' and 'mechanisms' is more helpful to the

reader. It should also be noted that many aspects of emancipation policy are covered in the subsequent, more specific chapters. In addition, the multi-year policy document on emancipation and forthcoming multi-year policy plan on the subject contain many references to policy intentions in a wide range of areas. These relate to activities in the fields of legislation (level 1), practical implementation (level 2) and cultural change (level 3). The Netherlands government will report on these in future.

Chapter 3

This report includes a special focus on the prevention and elimination of violence against women. This is connected with the substantial efforts which the Dutch government is committed to putting into this kind of action now and in the future. In addition, the recently published fourth in-depth study undertaken under the Women's Convention is devoted to this subject. The study is summarised in annex 1 to this report.

Chapter 4

Trafficking in women and prostitution are the subjects dealt with in this chapter (article 6 of the Convention). Although the Convention demands that states should combat these activities, the Netherlands takes a different view. This chapter provides a detailed discussion of the reasons for its attitude.

Chapter 5

Articles 7 and 8 of the Convention both relate to the position of women in political and public life, including opportunities for them to represent their governments at national and international level. This chapter distinguishes between women's participation in politics on the one hand and in public office and other forms of public life on the other.

Chapter 6

This chapter on nationality rights and legislation on aliens (article 9) addresses in particular the position of women who hold dependent residence permits in the Netherlands.

Chapter 7

This chapter on formal and non-formal education (article 10) not only discusses the position of women as against men, but focuses more especially on the position of girls/women from ethnic minorities. In addition, it concerns not only the recipients of education but also the position of women working in education (especially in management posts) and of women in the advisory and decision-making sphere.

Chapter 8

The emphasis in this chapter is on facilitating the combination of paid work and care. Topics include measures to make women more independent by improving their employment prospects and incomes. The chapter relates to the obligations deriving from articles 11 and 13 (a and b).

Chapter 9

This chapter reports on health care and welfare (article 12 of the Convention). It looks in particular at the position of older women, elderly lesbians and women with disabilities in the health care and social welfare fields.

Chapter 10

Because chapter 10 reports principally on the position of women in agriculture, its title has been modified accordingly. This does not mean, however, that it ignores issues of access and service availability in rural areas.

Chapter 11

In the context of the law of persons and family law (article 16), there is little to add to previous reports as regards the equal treatment of men and women. This chapter does, however, discuss family law provision for same-sex partners.

CHAPTER 2 Emancipation policy in the Netherlands

The present Dutch government took up office on 25 August 1998. Emancipation policy featured prominently in its coalition agreement. The parties in power acknowledged the continuing importance of the co-ordinating role of the Minister responsible for emancipation policy, though the agreement also notes that "this does not relieve other ministries of their own responsibilities in this matter". It was therefore agreed that each Ministry was to prepare a plan of action with at least three objectives relating to the implementation and application of policy and that those objectives were to be achieved within the present government's term of office.

Hence, the government decided to continue to pursue a double-edged strategy, focusing on the development of emancipation policy as a field in its own right (*strategy A*), and at the same time incorporating an emancipation perspective into all areas of policy. The latter approach is called mainstreaming (*strategy B*).

In March 2000, the government published a multi-year emancipation policy document, which is the principal tool in strategy A. The document, which is described in greater detail below, sets out policy for the medium term. The main question, it transpires, is not whether specific emancipation policy is necessary, but what form it should take, what ground it should cover, and how it should be applied in today's world to achieve the best results.

An interesting example of mainstreaming is a Plan of Action adopted by the ministries setting their own emancipation policy objectives. Identifying a limited number of objectives (at least three) allows each Ministry to concentrate on specific targets, which means that the results can be monitored and measured.

The ministries are given information or financial incentives to encourage them to implement an effective emancipation policy. A method is also being developed to assess the impact of that policy (see below).

Strategy A

Multi-Year Emancipation Policy Document

At the end of March 2000, the government published a multi-year emancipation policy document (*From Women's Lib to Inalienable Right*) to revive interest in emancipation issues. It examines the trends, risks and opportunities for the emancipation process in the 21st century, and draws the contours of a medium-term policy.

The document combines the results of two closely-linked pathways: a research pathway and an interactive pathway. The first consists of studies in the following five areas, which are at the heart of future policy:

- work, care and income
- women and human rights
- political and social decision-making
- space and time in relation to the way people organise their lives
- the implications of an information society for the planning of work, care, etc.

The studies comprise a description of conditions at present and a brief review of both successful and unsuccessful developments in the past. This overview is then used as the basis for a prognosis of future trends and the progress of the emancipation process up to 2010.

The aim of the interactive pathway was to get input early on in decision-making from as many people as possible who are not concerned with emancipation policy on a day-to-day basis. In this sense, the multi-year policy document reflects social developments and trends. The pathway consisted of a series of three meetings - a preliminary meeting, a meeting of experts, and a conference on planning and strategies. It provided

opportunities for people from a variety of backgrounds to meet and exchange views.

The policy document was presented to parliament and was widely distributed among civil society organisations, advisory councils and other interested parties in order to gain public support and generate specific proposals for the further development of the policy. At present, it is being worked out in greater detail, incorporating the recommendations and input of the series of meetings and the United Nations Special General Assembly's conclusions regarding the evaluation of the Platform for Action (New York, 5-9 June 2000).

Strategy B

Mainstreaming

The Dutch government defines mainstreaming as the reorganisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is structurally incorporated in all policies at all levels.[2]

Central government's Department for the Co-ordination of Emancipation Policy is planning and carrying out various activities to promote mainstreaming. For example, a special study was conducted and its findings published in the form of guidelines on mainstreaming (*Emancipatie in beleid: Handleiding Mainstreaming*). The document outlines the context of mainstreaming and describes the mechanisms that can be used to asses the impact of policy. It is intended primarily to help policy officers incorporate an emancipation perspective in their own departments or ministries. The guidelines will be revised and updated in the period from December 2000 to March 2001.

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[2] This definition is based on the definition given by the Council of Europe Group of Specialists, see *Gender mainstreaming. Conceptual framework, methodology and presentation of good practices*, Strasbourg 1998, EG-S-MS (98) 2.

A study is also being conducted with the aim of drafting a business plan for a mainstreaming service desk. The government's response to the first national report within the framework of the UN Convention on the Elimination of All Forms of Discrimination Against Women notes that an information and service desk will be established to improve reporting on emancipation impact assessments, the application of their findings, and mainstreaming. The object of the study is to see what purposes a mainstreaming service desk might serve. For instance, it could be used as an information centre, a helpdesk, or for referral and development. The feasibility of the service desk and its envisaged functions will be assessed on the basis of consultations with policymakers and the organisations concerned. The findings of the study and possibly a business plan will be available before the end of September 2000.

The present report makes several references to an emancipation impact assessment. This is a method of screening policy intentions to ensure that they have no unacceptable repercussions for either men or women. The new tax system, for instance, was subjected to a review of this kind (see chapter 8). Guidelines are being prepared to encourage the use of these assessments and to ensure that they are applied correctly. The aim of these step-by-step guidelines is to enable users to make a quick and effective assessment of the relevance of emancipation impact assessments for policy planning and new legislation, and to judge the consequences and plan their timing. The guidelines are intended for directors or heads of departments responsible for steering, planning and monitoring policy processes.

However, a few problems have arisen in the current emancipation impact assessment, and a study is now being conducted with the aim of developing a more practical and manageable variant. The results are expected in September 2000.

Over the past two years, several ministries have introduced mainstreaming activities. These and the activities carried out by regional and local

authorities and local organisations are being charted at present. Best practices will be identified on this basis.

Interdepartmental Plan of Action on Gendermainstreaming

The Interdepartmental Plan of Action on Gendermainstreaming 1999-2002, which was submitted to parliament in the spring of 1999, marks a significant step forwards in the process of mainstreaming. Each of the ministries has set at least three specific goals relating to the implementation of emancipation strategies in its own policy field - a measure which marks the government's compliance with the coalition agreement. The aim of the action plan was to make each of the ministries more obviously responsible than in the past for emancipation policy.

The plan of action envisages a total of 44 goals in a wide variety of fields. The goals of several ministries are discussed in considerable detail in various chapters of this report.
Two examples are the Ministry of Justice's programme to combat domestic violence (chapter 3), and the strategies adopted by the Ministry of the Interior & Kingdom Relations to encourage black, migrant and refugee women to become actively involved in politics (chapter 5). The Ministers and State Secretaries were responsible for selecting these goals and they are duty-bound to achieve them. The State Secretary appointed to co-ordinate emancipation policy was responsible for drawing up the plan and monitoring progress. The first progress report has been presented to parliament.

The goals set by the ministries were required to satisfy certain criteria: they had to be defined as clearly as possible, so that the results can be measured; they had to be capable of being achieved within four years (the present government's term of office); the themes had to be related to the main themes of the given Ministry's policy and linked to the present emancipation policy; and above all they were to be designed to impact on society.

Besides the progress report, the substance of which was prepared mainly by the ministries concerned, the Temporary Expertise Committee on Emancipation in the New Advisory System (TECENA) is studying the organisational aspects of the ministries' goals and the way mainstreaming is organised within the various ministries. Its findings will shed light on the way the ministries organise their goals and their activities to achieve mainstreaming, and highlight any problems they encounter. The findings will be used as input for the strategy to be followed and for co-operation between ministries, and to assess what support is needed from the Department for the Co-ordination of Emancipation Policy. The results of this audit will be available in November 2000.

Measures to facilitate the combination of paid work and care

A project to facilitate the combination of care and paid work has had a considerable impact on current and new policy processes, both within the various ministries and at local and regional level. It aims to foster the trend towards a fairer division of work and care tasks, responding to the demand for new forms of co-operation and new approaches to land-use planning and time management. The project is closely linked to the package of measures announced on 24 March 1999, and presented in the Government Gazette as part of a review of strategies to facilitate the combination of work and care. A budget of 60 million guilders has been set aside for experimental projects by municipal and provincial authorities, companies and civil society.

On the day the scheme was announced, the State Secretary for Social Affairs and Employment, who bears responsibility for the co-ordination of emancipation policy, appointed a steering group to make recommendations for a follow-up strategy. The group is also responsible for publicising and promoting ways of facilitating the combination of work and care, and for encouraging pioneering projects. The project office

responsible for implementing the grants scheme will remain operational up to the end of December 2002.

The scheme has received widespread publicity. An information circular has been sent to government authorities at all levels, companies and sector and other organisations. Thousands of information packages have also been distributed, and members of the steering group and project office have given scores of talks all over the country.

By the summer of 2000, approximately 260 experimental project proposals had been submitted, and 76 are now under way. 130 projects are expected to be running by early 2001.

Annex 2 to this report presents a detailed description of each project, its background, aims and the results achieved so far.

Tools and techniques

Emancipation Yearbook

Since 1997, the Ministry of Social Affairs & Employment has been publishing an Emancipation Yearbook in collaboration with the Social and Cultural Planning Office and the Netherlands Bureau for Economic Policy Analysis (CPB). Its aim is to gain wider support for processes and policy aimed at emancipation. The publication is intended primarily for professionals, whether individuals or organisations, concerned with emancipation issues either in a professional capacity or through politics. But it is also aimed at the public at large. Each edition contains seven or eight articles on a specific theme, a section providing practical information, such as addresses, a bibliography and information on legislation, and a section presenting statistics.

The 1997 edition, which focused on the theme of *Work and care*, presented a summary of the debate being conducted by the government, the unions

and employers, and in civil society. The 1998 edition, highlighting the theme of *Time and space for work and care*, examined the problems and trends in combining paid work and care. The theme of the 1999 Yearbook was *Who will provide care in the 21st century?* Experts in various fields contributed articles on strategies to combine paid work and care, now and in the future. The issues raised in the book formed the basis of a Work and Care Debate organised by the Minister of Health, Welfare & Sport and the State Secretary for Social Affairs & Employment in 1999 and 2000. The fourth Yearbook, which is due in November 2000 and which centres on theme of *The glass ceiling*, examines the factors that prevent women from advancing to senior positions, and proposes strategies for change.

On an Equal Footing

On an Equal Footing (Op Gelijke Voet) is a journal published by central government to inform the public at large on emancipation and emancipation policy. One of its principal aims is to show how policy works out in practice. The subjects and topics are determined largely by current events, so that the journal serves to support policy. A few examples of the subjects dealt with in recent editions are *Women's human rights in the spotlight after 50 years; The reconstructed father; The ifs and buts of statutory care provisions; Girls from ethnic minorities are doing well: facts and figures; New media, new differences; Ideas on time management for work and care*; and *Great moments in history: the review of the new tax system in 2001 incorporates an emancipation impact assessment.* The journal is published five times a year and has 18,000 subscribers (emancipation organisations, unions, employers associations, educational institutions, government departments at all levels, libraries, personnel officers, other civil society organisations and private individuals). It is also used as information material for projects and activities for a variety of target groups.

Information centre on equal treatment

The government is planning a campaign to increase public awareness of the human rights of women, legislation on equal treatment, and the provisions of the UN Convention on the Elimination of All Forms of Discrimination Against Women. Its aim is to encourage women to invoke their rights, to persuade both government and the public to observe the Convention, and to urge lawyers to apply its provisions. A centre for information on equal treatment of men and women in general, and on the Convention in particular, is expected to open at the beginning of 2001, with a budget of NLG 750,000 for that year. As an organisation it will reflect the work of the various agencies active in this field. Ultimately, it could also be a centre for information on the equal treatment of other population groups.

Booklet on the United Nations Convention on the Elimination of All Forms of Discrimination against Women

The Humanist Association for Human Rights (HOM) is preparing a booklet on the United Nations Convention on the Elimination of All Forms of Discrimination against Women, aimed at a wide public, including civil society, women's groups and educational establishments. The booklet will be written in non-specialised language, so as to be easily understood by people without a legal background. It is also being designed to appeal to a wide public. The articles of the Convention and the way they are applied will be illustrated by means of case histories from the Netherlands and elsewhere. The booklet also deals with the individual right of petition. The Department for the Co-ordination of Emancipation Policy is providing a grant of 50,000 guilders for the publication.

Joke Smit Prize

The Joke Smit Prize is awarded by the government every two years to an individual, group or agency which has played a significant role in helping to improve the position of women in Dutch society. The prize, which consists

of a work of art and a cash award of 15,000 guilders, was introduced in 1985 and first awarded in 1986. It will be presented for the eighth time in 2000. In 1998 the prize was awarded to a feminist monthly magazine.

Research

Research is needed to develop specific policy initiatives and to check whether progress is being made as anticipated. Some of the studies recently carried out on the instructions of the State Secretary responsible for the co-ordination of emancipation policy concerned *Young people & emancipation; Work and life: the challenge to planners*; and *The glass ceiling: a survey of studies and statistics on women at the top.*

Of special relevance for the application of the Women's Convention in the Netherlands is a report entitled "Combating violence against women: an analysis of Dutch policy in relation to its obligations under the UN Women's Convention. A summary of the report is included here as annex 1.

The research programmes for the next few years will be geared to the multi-year policy plan and the various policy activities. The programme for 2001 is divided into three categories:

- studies geared to new policy
- studies aimed at promoting mainstreaming
- studies relating to current policy or in response to requests from parliament.

Emancipation monitor

The first "emancipation monitor" containing data on the emancipation process in society will be published in September 2000. The purpose of the system is to provide an overview of the emancipation process in society by keeping a record of developments in a number of significant areas. The monitor may be seen as a policy "thermometer". It is also a useful tool for parliament and the general public in that it might help raise awareness and

spur others to action. The information it contains can also be consulted for the purpose of drafting obligatory periodic reports at national or international level. Its advantage, compared to existing systems, is that it focuses on the main issues and shows trends in different areas in relation to one another.

The emancipation monitor focuses on the following four areas, which have for some time been regarded as the principal target areas for emancipation policy:

- paid work, care and income
- education
- political and social decision-making
- violence against women.

Other target areas could eventually be added to these four. For example, there are plans to look into the possibility of adding problems relating to space and time as a factor in the organisation of work and care.

Emancipation policy support strategies

Various strategies are used to support and foster the emancipation process in society and promote interaction between civil society - notably the lobby for black, migrant and refugee women - and policy. The most important is a funding scheme which is used for initiatives that help to promote *emancipation policy support strategies*. The 12 million guilder budget provided in 1999 was increased to approximately 13 million guilders for 2000. About 100 applications are received each year.

Every year, a number of subject areas are identified for specific support. The aim is to extend the reach of these areas and heighten the impact of policy by enabling organisations to carry out related activities. The subject areas for 1999 were:

- Who'll provide care in the 21st century? Grants are available for activities or projects that encourage more equitable sharing of care

tasks between men and women, not only in term of the time spent on care, but also as regards shouldering responsibility for the care of oneself and others.

- Emancipation at different stages of life: the younger generation in the 21st century. Funds are allocated for activities or projects with an emancipation perspective that aim to make youngsters (male and female) more independent. Special emphasis is placed on activities for young blacks, migrants and refugees.
- Five years after Beijing: these were grants for civil society initiatives culminating in a list of good practices and of obstacles that prevented satisfactory implementation of the Platform for Action.

The subject areas for 2000 are

- breaking through the "glass ceiling"
- applying to the Dutch situation the findings of the UN Special Assembly for the Follow-up to Beijing (June 2000)
- activities relating to the national debate on care and paid work, focusing on the question: "Who'll provide care in the 21st century?". Issues might include the threat of a care vacuum in the future; men as care providers (paid and unpaid); public perceptions and the status of care providers; financial, economic and administrative implications of a redistribution of care tasks between men and women.

Funds are allocated in particular to organisations that contribute to the development of expertise or that help to widen the support base for the emancipation process. The second report identifies the various organisations and gives a description of their tasks (pp. 20/21 and 115/117). They received a total of 9.5 million guilders in 1999 and 10.7 million in 2000. Other organisations play an important role in supporting the emancipation process.

As a result of decentralisation, local and provincial governments have assumed more responsibility for setting and pursuing emancipation goals. In this context, for instance, they subsidise offices for the promotion of women's rights. In the coming years, the State Secretary for Social Affairs

and Employment will continue to focus on the harmonisation of policy between central government, the Association of Provincial Authorities (IPO) and the Association of Netherlands Municipalities (VNG).

Over the past few years, more has been done to bring national emancipation policy in line with international objectives. The European Union and the Council of Europe play a prominent role in this connection. The Netherlands is also active on a global level through the United Nations. In this connection, it made vigorous efforts to achieve the optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and, on 10 December 1999, was one of the first states to sign it. The procedure to gain national ratification is now under way.

Strategies in support of the emancipation process will be evaluated in the autumn of 2000.

CHAPTER 3 Article 1: Discrimination against women, with particular reference to the prevention and elimination of violence against women

Measures to prevent and combat violence against women are discussed here under article 1, not article 3, as was the case in the second report. The reasons for this are as follows.

The UN Convention on the Elimination of all Forms of Discrimination against Women (hereinafter "the Convention") does not refer specifically to violence against women. However, various articles and points 12 and 19 of the general recommendations do refer to the obligation of States parties to combat gender-specific violence. To establish precisely what measures States were required to take in this connection, the State Secretary for Social Affairs and Employment, as the member of government responsible for co-ordinating emancipation policy, commissioned a study of the implications of the Convention for the Netherlands as regards efforts to stop violence against women.

The study concluded that *violence* against women should be viewed in the wider context of *discrimination* against women, as defined in article 1 of the Convention. The Dutch government accepts this view, recognising that violence against women is a violation of women's fundamental rights and freedoms. A summary of the report is appended to this document as Annex 1.

LEVEL 1: PRESENT POSITION AND LEGISLATIVE MEASURES

1a Present position

As noted in the second report, violence against women is widespread in the Netherlands. Studies show, for instance, that one out of five women aged between 20 and 60 (21 percent) have been physically abused on at

least one occasion by their male partner or former partner.[3] A recent report published by the national working group on domestic violence notes that a full 45 percent of the population - almost invariably women and children - have been victims of domestic violence at least once in their lives.[4] Approximately 60 to 80 women and 40 children die as a result of domestic violence each year.

Violence in the form of sexual harassment is not uncommon in the workplace either. In a study carried out by the Dutch Institute for Working Conditions for the Ministry of Social Affairs and Employment, 32 percent of the women interviewed had been subjected to sexual harassment on at least one occasion (the rate was 22 percent in organisations with a specific policy to combat harassment).[5]

Considering the scale of the problem and the fact that violence against women violates fundamental rights and freedoms, the government will persist in its efforts to eradicate it. It will use its best efforts to gain a better understanding of the problem, develop effective strategies to combat violence, and monitor the results. The subject of violence against women, which is mostly perpetrated in the privacy of the home, has gradually come out into the open. Almost no-one today would defend the view that violence is a private matter. As a result, the public is more willing to accept that the authorities have a role to play, which makes it easier to develop policy at all levels of government and easier to implement it. The fact is that no policy can be effective without the support of those responsible for implementing it.

The government's concern is reflected by the Justice Ministry's integrated strategy to tackle domestic violence (see below) and the explicit identification of violence against women as a priority in the multi-year plan

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[3] I. Boerefijn, M. Van der Liet-Senders, T. Loenen, *Het voorkomen en bestrijden van geweld tegen vrouwen*, The Hague, 2000, p. 110.
[4] National working group on domestic violence, *Manifest stop huiselijk geweld*, The Hague, 2000.
[5] R.J. van Amstel and H.J. Volkers, *Sexuele intimidatie: voorkomen en beleid voeren. Ervaringen bij 50 arbeidsorganisaties*, The Hague, 1993.

published by the State Secretary responsible for the co-ordination of emancipation policies (see Chapter 2). The Netherlands also takes every opportunity to urge the international community to tackle the problem as a matter of priority.

At the 23rd Special General Assembly of the United Nations (New York, 5-9 June 2000), the Netherlands endorsed the view that a coherent, interdisciplinary and co-ordinated strategy should be adopted to stamp out all forms of violence against women.

1b Legislative measures

Stalking

Parliament recently adopted a bill which will make it a criminal offence to harass a person systematically and intentionally. The bill speaks of intruding on a person's private life with the aim of forcing them to do, not do, or endure something, or instilling fear. At present, the Netherlands has no specific law against stalking. The instruments that are available, such as mediation between perpetrator and victim, or restraining orders and other civil law measures, are often ineffective. Up to now, there has been no provision for bringing criminal charges. The bill, which entered into force on the 12th July 2000, was introduced by three members of parliament to redress the plight of victims of stalkers.

New legislation on sexual offences

1. The use of deception to procure sex will be a criminal offence.
   A Supreme Court ruling of 24 March 1998 concerning the rape of a sleeping woman has led to an amendment of legislation on sexual offences. In the case in question, the woman, half asleep, was misled about the identity of the person making sexual advances to her. Thinking it was her boyfriend, she had intercourse with him. She was neither forced to do so nor was she unable to offer resistance. She was, however, deceived. At present, intentionally deceiving a person with a

view to having sex is not a criminal offence. To cover such circumstances, a new provision (article 248c) will be incorporated into the Criminal Code making it unlawful for anyone to procure sex by deceiving the prospective partner about his or her identity or sexual intentions.

2. Minors will no longer be required to lay a complaint

The Verwey-Jonker Institute conducted a study to establish the effects of the requirement which makes the prosecution of sexual offences contingent on the victim laying a complaint. According to their report, the police were often prevented from investigating cases of child prostitution and sex tourism. If a child fails to lay a complaint, for whatever reason, the public prosecution service cannot institute legal proceedings. In future, this provision will cease to apply in prostitution cases involving a minor. At the same time, however, it will be compulsory for children to be given an opportunity to express their opinion on the desirability of bringing prosecution proceedings. The child's opinion in such cases is important. The Justice Minister has presented a bill to parliament which will ensure that offenders are brought to trial, providing this does not harm the child's interests.

Protection of the victims of sex offences

Since 1998, the law has allowed for witnesses in a criminal case to be excused from appearing at a public trial, if the public prosecutor believes that giving evidence in public would be detrimental to their health. For the same reason, the courts may decide not to call a witness to the stand. The aim of these provisions is to prevent victims of serious sexual offences from being subjected to further distress. In addition, legislation introduced on February 1st, 2000 allows the examining magistrate in a preliminary judicial enquiry to withhold certain information from the public prosecutor or the accused in the interests of protecting a witness.

Working Conditions Act and sexual harassment

In October 1994, a provision of the Working Conditions Act came into force making it obligatory for employers to protect their staff against sexual harassment and its effects. It does not spell out what measures they have to take, but encourages them to devise strategies appropriate to the conditions of their particular workplace. They are required to produce a risk identification and assessment (RI&E), which has proved a useful instrument for this purpose. The RI&E must be approved by a safety, health & welfare service. The new 1998 Working Conditions Act allows the Safety, Health & Welfare Inspectorate to impose administrative fines.

In March 2000, a report was published, at parliament's request, evaluating the impact and effectiveness of current legislation on sexual harassment. Its impact on employers' awareness of sexual harassment in the workplace is discussed under LEVEL 3 below.

Obligation of schools to report incidents of sexual harassment and lay complaints

The law was amended on 28 July 1999 to combat sexual abuse and harassment in schools and other educational institutions. Staff are now obliged to report cases of sexual abuse or harassment - i.e. any sexual offence committed by a member of staff against a pupil or student - and the competent authority is obliged to lay a complaint. The provision affects not only primary and secondary schools but also institutes of vocational and adult education.

Complaints procedure in schools

All primary and secondary schools were required to introduce a complaints procedure as of 1 August 1998 to ensure that complaints are dealt with properly. A procedure of this kind is important not only for dealing with individual grievances but also for making the school environment safer.

The competent authorities may choose to appoint their own complaints committee or they may put cases before a local or regional committee. Complaints concerning sexual abuse and sexual harassment may be filed by pupils, parents or members of staff. The committee investigates the case and reports to the school board, which is then responsible for taking appropriate action.

Most primary and secondary schools have endorsed an even more comprehensive complaints procedure than that laid down by law, making it obligatory, for instance, for schools to appoint a liaison officer and a counsellor.

LEVEL 2: TOWARDS DIVERSITY

This section outlines some of the measures taken by the Dutch government to prevent violence against women and children. Though incomplete, it gives an impression of the government's efforts to deal with this problem. Important work is also done by local and provincial government, civil society organisations and individuals.

Violence monitor

As noted in chapter 2 of the present report, the first 'emancipation monitor" will become operational in September 2000. This is a database containing information that sheds light on the emancipation process in society. The information is divided into four categories, one of which concerns developments in the nature and incidence of violence against women. Trends as such ate monitored on the basis of information obtained from:

- police and court files at Statistics Netherlands
- the databases of various welfare agencies and services
- victim surveys

Measures to combat violence, and the adequacy of care for victims are monitored by analysing the way the police and judicial authorities deal with cases of violence, and checking:

- the availability of specialised services for victims
- the integration of specialised services within the network of general services
- the availability of specialised personnel to work with perpetrators or victims of violence
- collaboration between the various welfare services and agencies (including the police)
- the strategies adopted and implemented by companies and organisations to combat sexual harassment.

Studies show that sexual aggression stems from certain attitudes to women, gender roles, sexuality and sexual violence. Further research therefore needs to be conducted in this field.

Domestic violence

The Ministry of Justice (see chapter 2) has launched a programme to combat domestic violence. It is based largely on a similar programme drawn up by a number of ministries to stop violence against women in general.

The Netherlands has gained valuable experience and expertise in dealing with violence against women.[6] However, the implementation of policy resolutions on various aspects of the problem (detection/prevention, investigation/prosecution, counselling and care, management and communication) has stagnated somewhat. In a series of regional conferences attended by the authorities responsible for applying or implementing regulations and policy, it transpired that the main problems in dealing with sexual and domestic violence were lack of information and insufficient co-operation between the police, the Justice Authorities and

[6] Transact, 1997.

care services. A wide range of independent and disparate agents are involved. Besides those mentioned above, they include schools, family doctors and local government, which inevitably makes it more difficult to find solutions. Hence, to a large extent policy on domestic violence and violence against women is concerned with organisation, communication and co-ordination (*where, who, how*), *and making improvements in all* these areas.

The Ministry of Justice started implementing the programme in mid-1998. Several of the measures and recommendations set out in its brief have now been put into practice; others are still being implemented and some are still being prepared. Priority is given to joint projects within the judicial system. It is hoped that most of the programme will be implemented during the present government's term of office (before the summer of 2002).

The following are examples of projects aimed at improving co-ordination:

- The Ministry is setting up a panel of experts on domestic violence. They will examine conventional modes of communication and also look into the possibility of creating a website for all partners in the field, with links to existing sites.
- In this connection, regional conferences will be held in autumn 2000, along the lines of those held in 1997. Fieldworkers from relevant partner organisations will present reports, interim reports and other information of interest to organisations concerned with the problem of domestic violence.
- The Ministry is preparing an inventory of current and planned projects on domestic violence, an analysis of the problems they tend to encounter, and a report with recommendations on how to proceed with its own programme. Steps are also being taken to strengthen and co-ordinate the network between the Justice Ministry and other ministries and their various departments in order to facilitate the implementation of the programme.

Examples of other projects are:

- In mid-1999, the Utrecht police completed a pilot project for people who commit or are likely to commit domestic violence. Run jointly with the outpatients' department of the Van der Hoeven Clinic, the project was open to anyone who wished to take part. In the course of 2000, the project will be expanded to cover the entire city of Utrecht. In a project called GRIP, which was launched in Amsterdam in February 2000, agencies and individuals work together to help people convicted of domestic violence. Both these two-year pilot projects will be carefully evaluated.
- As part of the effort to develop detection and registration programmes, scenarios are being worked out at local and regional level to help municipal and provincial authorities tackle domestic violence. The municipality of Haarlem and the province of Zeeland are designing "best practice guidelines".
- Amsterdam has launched a counselling programme (GRIP) for people convicted of domestic violence. The courts may order offenders in such cases to take part in these intensive, 28-week rehabilitation programmes. The target group consists of men who have been convicted of or are standing trial for offences involving physical, mental and/or sexual violence against their female partners and who qualify for counselling. The programme, set up and implemented by experts in a wide variety of fields, will ultimately be open to anyone who wishes to take part. The programme was initiated by the Amsterdam women's shelter, the Amsterdam-Amstelland police force and the Ministry of Justice. Its procedures and impact will be evaluated from 1 March 2000 to 1 July 2002.

Other projects aimed at changing the attitudes of offenders and victims, as well as that of the professionals who work with them, are described under LEVEL 3 below.

Female genital mutilation

Since 1993, the Dutch government has given its support to women's organisations concerned with providing information and raising public awareness of female genital mutilation, not only in countries where female circumcision is widespread, but also among women who come from cultures where circumcision is practised and who now live in the Netherlands. Since 1995, the Inter-African Committee on traditional practices affecting the health of women and children has received an annual subsidy for its work in more than 20 countries in sub-Saharan Africa.

In 1997, the Women in Development Division of the Foreign Ministry launched a survey in six countries on the reproductive rights of women living under Islamic regimes. The interviews are conducted by Dutch women migrants.

The government also supports migrant women's organisations that provide public information in the Netherlands. The Fatusch Foundation, for instance, is receiving funding for the production of videos showing projects carried out by women's organisations in Mali, Somalia and Egypt to stop genital mutilation among women and girls. The script was written in local workshops, while the sequences shot on location were used to produce several versions of the video, each for a specific target group. The videos are used by women's groups in Africa and to raise public awareness of the problem in the Netherlands and among migrant women in Europe generally.

In June 2000, the Dutch government organised an experts' meeting with migrant women to gain a better understanding of the way they perceive female circumcision and to find ways of stopping it that would be acceptable to the target groups themselves. Specific measures will be taken on the basis of this information.

The Netherlands is also committed to keeping female circumcision on the agenda in international fora. It discussed the problem at length in the third committee of the UN General Assembly, the UN Commission on Human Rights, and the UN General Assembly's meeting to evaluate the Platform for Action. At the Netherlands' initiative, the 54th UN General Assembly unanimously adopted a follow-up resolution on combating female circumcision and other harmful traditional practices.

Performance of the police and public prosecution services in sex cases

In March 1997, the Justice and Interior Ministers instructed the police inspectorate to report on the way the police deal with sex cases. One question was whether this kind of work requires special expertise and skills or whether it can be regarded as part and parcel of a police officer's job. Either way, there would be implications for the organisation of police departments responsible for dealing with sex offences. The study looked at the way the police deal with victims, their co-operation with care services and the public prosecution service, their training and skills, the guidance they receive from the public prosecution service, and the attention they pay to sexual offences as a specific problem area. The report published on 1 October 1998 contained 12 recommendations for the police and the public prosecution service. The Ministry of Justice launched a project from May 1999 to May 2000 to implement those recommendations. The main aim was to achieve a workable system within the police and public prosecution services with a view to improving police work in sex cases.

Some of the developments that have taken place over the past few years, partly in response to the project referred to above, are listed below.

Dealing with sex offences has emerged as a separate field of specialisation in police forces, which are now deploying more and more specialists in this field. This means they are meeting the quality standards and organisational criteria set for the country as a whole. Regional forces employ specialists who are available 24 hours a day, and make sure their teams include a

sufficient number of women officers. Nearly all the police regions have separate departments for youth affairs and sex offences. There is a perceptible trend towards a form of centralisation. Having a separate operational unit makes it easier to maintain relationships with external partners and to achieve and maintain the skills needed to deal with sex offences. Training courses are also on the agenda.

Public prosecution services in all court districts have appointed a public prosecutor specifically for sex cases. They play an important role in increasing expertise, developing policy and working with external partners. Certain areas still need attention, such as information management, regional policy, and co-operation between the police, the public prosecution service and care agencies with a view to strengthening their preventive role.

Both the police and the public prosecution service have appointed committees to monitor police work in sex cases and to promote efforts to improve it.

Sexual violence against children

On 19 July 1999, the government sent a memorandum to parliament describing all existing and planned measures to tackle sexual abuse of children. The document was a follow-up to the agreements reached at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. Subsequently, in May 2000, the government submitted a national action plan on sexual abuse of children, the underlying idea of which is that the only way to deal with the problem effectively is by ensuring that sufficient resources are available for early detection and intervention, by providing satisfactory assistance to victims and teaching children to resist abuse. In addition, the police and public prosecution service must have sufficient means and statutory powers to act in such cases, and the skills needed to deal with sex offenders. The report looks at the problem from the viewpoint of all agencies involved: welfare services as

well as organisations and individuals concerned with prevention, care, national and international legislation and co-operation.

The action plan pays special attention to the problems of child pornography (including internet pornography) and traffic in children. In this connection, the National Criminal Intelligence Division has established a child pornography picture-database, and each court district has appointed a special public prosecutor responsible for combating child pornography. The National Police Services Agency has assigned a team to trace offensive material on the internet and support the police forces. The police have also enlisted the help of industry to gain access to the latest technology to trace child pornography on the internet.

A project team has been appointed to implement the action plan. Its task is to review planned activities and assess their impact and implications for future policy.

Evaluation of the Criminal compensation Fund (Provisional Scheme) Act

In recent decades, the police and judicial authorities have been focusing more on the needs of victims of crimes. In this connection, the Criminal Injuries Compensation Fund (Provisional Scheme) Act and the Criminal Injuries Compensation Guidelines came into force on 1 April 1995. The Act creates more scope than in the past for a victim to claim compensation from the offender in the course of criminal proceedings. The guidelines are based on three basic principles:

- victims must be treated correctly and, if necessary, personally;
- they must be given all relevant information;
- compensation claims against offenders must be settled quickly as possible.

The police and the public prosecution service bear the principal responsibility for implementing these guidelines.

On the instructions of the Ministry of Justice, all victim support services were evaluated in the light of the Act and the guidelines. It transpired that both the police and the public prosecution service are paying closer attention to the way victims are treated. They have introduced special training courses, for example, and allocated more time to attend to victims. The provision of information to victims has also improved, though more could still be done in this area. The police and the public prosecution service have also developed various methods to deal with victims' claims for compensation from offenders. The Ministry of Justice has devised systems for measuring the quality of victim support services within the framework of the Criminal Injuries Compensation Fund (Provisional Scheme) Act. For instance, they now use a standardised questionnaire for victims, and a standardised system for retrieving figures from police and public prosecution service databases. In practice, however, registration is not always done in the same way, and information is sometimes incomplete. The evaluation made recommendations with the aim of improving the effectiveness of the Act.

Police and public prosecution service: policy on victim support

The police and the public prosecution service are taking various measures to improve their victim support services. For example:

- The public prosecutor's office in each district court will have a helpdesk where victims can obtain whatever information they require about their case.
- Every district court now employs at least one claims officer as part of the public prosecution service's drive to improve compensation claims procedures.
- The joinder form that the victims or injured parties may wish to submit has been radically simplified. Legal aid advice centres or, in very straightforward cases, victim support centres could help applicants complete these forms.
- More attention will be paid to the methods used to assess the quality of victim support services. The Board of Chief Commissioners have opted

for a slightly modified measuring system for use by the police. The public prosecution service, however, is satisfied with the original method, which now includes a number of indicators relating to compensation claims.

- A manual has been published explaining the position of the victim in criminal law proceedings. It will be updated at regular intervals with new information and case law.

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

Domestic violence

Projects have been developed within the framework of the action plan on domestic violence (see LEVEL 2 above) aimed at changing the attitudes of victims, potential victims and offenders as well as professionals who work with these groups.

For example:

- Domestic violence is recurrent and tends to escalate. The victim and perpetrator are dependent on one another. In most cases their aim is to maintain their relationship, but break the pattern of abuse. Conventional views of gender identity play a major role in fuelling violence of this kind. It is helpful for victims to talk about their predicament as a step towards ending the cycle of violence, and to learn to resist abuse. Recent studies show that care workers would benefit from support in working with victims who are likely to develop a post-traumatic disorder. The Ministry of Justice is planning to introduce methodology courses for care workers, focusing particularly on helping victims resist abuse. It also plans to test a new working protocol .
- The Marietje Kessels Project has evolved over the past decade into a series of 12 lessons in which 9 to 12-year-olds are taught strategies to resist abuse. The programme is primarily for children, but it also targets abusers. Part 1 of the project manual describes activities to be carried out before, during and after the course. Part 2 explains how to set up a

programme, and part 3 contains the actual teaching material and tips on how to present it.

- A nation-wide experimental Marietje Kessels Project Platform has been set up to co-ordinate primary school programmes designed to prevent child abuse and help abused children. The Platform also fosters co-operation between programmes of this kind and aims to make them sustainable. In addition, it is preparing a communication plan, an evaluation of the programme's effectiveness and a conference to mark the end of its experimental stage, after which it should continue permanently.
- The police academy is developing a teaching module on domestic violence, which will become part of its basic course. The aim is to make police officers and public prosecutors more aware of domestic violence.
- A course on domestic violence is being developed for people in the judicial and law-enforcement fields, primary care workers, and the co-ordinators and staff of victim support centres. The course will be tested and evaluated in a number of pilot projects.
- Information campaigns on domestic violence are being targeted at the relevant professional groups. Victim support centres, for instance, have held seminars and conferences on the subject (December 1999 and spring 2000). A course on dealing with domestic violence developed by the Haaglanden police force for its neighbourhood patrol teams will be adapted for the centres' use.

Sexual harassment in the workplace

As mentioned above, a report requested by parliament assessing the effectiveness of legislation on sexual harassment was published in March 2000. It was based on interviews with employers in service sectors (the retail trade, catering, transport, commercial services, education, health care, social services, public service etc.) Compared to the findings of the 1995 baseline study, the report showed that employers are now considerably more aware of their obligations under the Working Conditions Act to tackle sexual harassment. Seventy-two percent of employers have

drawn up a risk identification and assessment, and 57 percent an action strategy, as compared to 23 percent and 19 percent in 1995. Seventy-seven percent give their staff regular information on working conditions, up from 67 percent in 1995. Thirty-three percent have some form of staff representation,[7] as against 20 percent five years earlier. The number of sexual harassment cases reported to works' councils has increased. Roughly half (52 percent) of employers make some provision for their staff to report incidents of sexual harassment in confidence, as against 33 percent in 1995. Thirty-four percent employ a confidential counsellor, compared to 24 percent in 1995. There are also more complaints committees (17 percent of employers) and procedures for dealing with complaints (19 percent), as against 7 percent and 8 percent respectively at the time of previous survey.

The most common mechanism used to protect staff against sexual harassment is open discussion of the subject in meetings (26 percent now as against 22 percent five years ago).

Thirty-one percent of collective employment agreements contain provisions on sexual harassment, compared with 25 percent in the last survey. More than half of the employers interviewed (58 percent) have enlisted the help of a safety, health and welfare service. This question was not included in the1995 survey.

The report notes that employers find it difficult to estimate the incidence of absenteeism due to sexual harassment.

All in all, far more use is now made of the preventive measures referred to above than was the case in 1995. Experts confirm that employers have become more aware of the problem as a result of the obligations imposed on them by the amended Working Conditions Act. They also observe that the subject is no longer taboo and is now discussed more openly.

[7] Most businesses in the Netherlands are small and are therefore not obliged to provide for staff representation.

Sexual harassment in sport

In the previous report the Dutch government noted that the national sports associations affiliated to the NOC*NSF had adopted a code of conduct for payroll staff and volunteers in sport, and that telephone helplines had been set up to receive reports of sexual harassment in sport.

Since then, the NOC*NSF has evaluated its project to combat sexual harassment (*Sportief beleid tegen sexuele intimidatie 1996-1999*). Approximately 50 percent of club executives and trainers are aware that the helplines exist. However, they were poorly informed about other services for victims, clubs, associations and people accused of sexual harassment. The report concludes that the project was not as effective as it might have been. The NOC*NSF is considering whether to proceed with its policy and, if so, how to improve it.

CHAPTER 4 Article 6: Trafficking in women

LEVEL 1: PRESENT POSITION AND LEGISLATIVE MEASURES

1a Present position

The number of women seeking help from the Organisation against Trafficking in Women (STV) has grown steadily since 1995:

1995: 166
1996: 122
1997: 186
1998: 219
1999: 288

The majority are women from central and eastern Europe, as police officers and fieldworkers confirm.[8]

No exact figures are available on the number of male and female sex workers, nor is it known how many of them are victims of traffic in persons. Estimates vary widely. A recent study conducted within the framework of the UN Convention on the Elimination of all Forms of Discrimination against Women reported two to three thousand female victims (see annex 1).[9] The Dutch government has appointed a national rapporteur, who will report on the scale and nature of the problem (see LEVEL 2).

According to the public prosecution service's records for the period 1994 to 1998,[10] a total of 582 criminal cases involving traffic in persons were

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[8] J. Vocks and J. Nijboer, *Land van belofte, Een onderzoek naar slachtoffers van vrouwenhandel uit Centraal- en Oost-Europa*, University of Groningen, December 1999, is an interesting study of the social background and personal characteristics of victims, the motives of offenders etc.

[9] The report refers to a study by S.M. Altink, 'Handel en wandel, malafide migratiebemiddeling van vrouwen', in *Justitiële verkenningen*, vol. 22, no. 1, 1996 (Mensenhandel en -smokkel), p. 57-67, p. 57.

[10] The figures concerned only cases known to the Public Prosecution Service. There were undoubtedly other cases that were not reported or possibly not prosecuted. The information presented here is therefore not complete.

registered.[11] Of these, 382 led to an indictment and in 331 cases the final judgement is known. In the vast majority of these cases, 300 in all, the offender was convicted and sentenced. The average sentence was 25 months' imprisonment.

The coercion applied to victims took a variety of forms. Many were subjected to severe intimidation and some to extreme violence. Their money or passports were taken away, which meant that their freedom of movement was restricted, and some were even incarcerated. They were forced to use drugs, relatives in their home countries were threatened, they were led to believe they had incurred huge debts, and in some cases voodoo was used.[12] The government appreciates the seriousness of the problem and is doing all it can to stop the traffic in and smuggling of persons (see LEVEL 2).

1b Legislative measures

The legal distinction between traffic in and smuggling of persons

Dutch criminal law distinguishes between traffic in persons [13] and the smuggling of persons. Article 250a of the Criminal Code, which enters into force on 1 October 2000, defines traffic in persons essentially as:
1) any action which contributes to making a person engage in prostitution against their will, and 2) profiting in any way from prostitution engaged in by someone against their will. It is therefore an offence to induce or encourage a person to engage in prostitution against their will or to profit as a result, even if the person concerned was not actually brought to the Netherlands from abroad. The provision applies to men and boys as well as women and girls. The smuggling of persons (article 197a of the Criminal Code) is

[11] The term `criminal case' refers here to a case against one person even if more people were suspected of having committed the offence in question and were tried at the same hearing.
[12] I.Boerefijn, M.Van der Liet-Senders, T. Loenen, *Het voorkomen en bestrijden van geweld tegen vrouwen*, The Hague, 2000, p. 219.
[13] Women and sometimes children and young men are the main victims of traffic in persons, where the object is to make them engage in prostitution. The victims are rarely adult males.

defined as bringing a person into the Netherlands or the territory of the Schengen countries or helping them to enter those territories illegally, with a view to obtaining financial gain. 'Traffic' does not necessarily mean bringing a person into the country illegally, while those who are 'smuggled' into the country do not necessarily become prostitutes.

Marriages of convenience

The evaluation of the Act to prevent marriages of convenience, which was announced in the second report, has now been completed.[14] Though no figures are available, the report concludes that the Act is achieving its aim. The computer database on aliens is being programmed so that the information can be used to assess the effectiveness of measures to prevent marriages of convenience.

The final report on the evaluation recommended a number of amendments to the Act itself and the way it is enforced. These recommendations were incorporated into a bill, now before parliament, which envisages the following.

It used to be the case that any alien wishing to marry required a declaration from the Aliens Department. The idea was to avoid discriminating between different groups by making all aliens subject to the same rules. However, if both partners to a marriage already have independent and unrestricted rights to reside in the Netherlands, there is no reason for such a formality. For people in these circumstances, the marriage is by definition not a marriage of convenience in the sense referred to above. It is therefore justifiable to distinguish between aliens who have residence rights and those who might hope to acquire such rights through marriage.

[14] The public prosecution service can ask the courts to annul a marriage that is contrary to public policy in the Netherlands. A marriage of convenience is a marriage contracted between an alien and a Dutch national (or a person resident in the Netherlands and having an independent right of residence) for the purpose of enabling the alien to obtain residence rights.

At present, parties wishing to register in the Netherlands a marriage contracted abroad must submit a declaration from the Aliens Department. The new legislation will abolish this requirement in the case of marriages that have been dissolved or marriages contracted more than ten years previously. In addition, the validity of such declarations from the Aliens Department will be extended from two months to six months. Finally, the new legislation will apply not only to marriages of convenience, but also to registered partnerships.[15] As a result, aliens entering into a registered partnership in the Netherlands will no longer be required to possess rights of residence. This will bring the status of registered partnership more in line with that of marriage.

Abolition of the ban on brothels

The abolition of the ban on brothels will come into effect on 1 October 2000. This will give local authorities more scope to control and regulate the employment of sex workers as they see fit. The aim is to clean up and normalise prostitution. At the same time, firmer action will be taken to combat unjust and illegal sexual exploitation.

The new legislation and the policy based on it have the following aims:

- to control and regulate the employment of sex workers by various means, including the introduction of a municipal licence system
- to employ more effective measures to prevent anyone from being forced into prostitution
- to protect minors against sexual violence and abuse
- to protect sex workers
- to separate prostitution from the crimes commonly associated with it
- to prevent illegal immigrants from turning to prostitution.

[15] Registered partnerships, which have been recognised since 1 January 1998, have the same function as marriage (except in respect of parental rights). However, they can be formed by two individuals, regardless of their gender.

The new legislation will achieve these aims by:

- putting an end to the common and semi-accepted practice of ignoring brothels and commercial sexual exploitation
- making a clear distinction between legal operations (i.e. sex workers who work voluntarily) and illegal operations
- enabling the sector and profession to be cleaned up and more effective controls and regulations to be applied
- facilitating police and judicial action against illegal operations.

The policy measures stemming from the new legislation and their envisaged impact on attitudes to prostitution and sex workers are discussed under LEVELS 2 and 3 below.

LEVEL 2: TOWARDS DIVERSITY

National rapporteur on traffic in persons

On 26 April 1997, under the Dutch presidency, a conference of EU Ministers of Justice and Emancipation adopted the Hague Ministerial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation. The declaration urges signatory states to appoint a national rapporteur to report to their respective governments on the scale, nature and mechanisms of traffic in women and on the effects of the policies they pursue. As initiator of the declaration, the Netherlands was the first member state to appoint a rapporteur. The rapporteur, who took office on 1 April 2000, is assisted by a small team of researchers and a secretary. The office is funded by five ministries. The rapporteur is independent and will make recommendations to the government based on his own views. He and his staff are authorised to consult police and criminal records.

The rapporteur's mandate is based on article 250a of the Criminal Code. He is required to present an annual report to the government with facts and figures on:

- the nature, incidence and mechanisms of traffic in persons, including information on offenders, victims and potential offenders and victims
- investigations by the police and legal proceedings against offenders (in cases abroad, if relevant)
- information and assistance to victims or potential victims; repatriation
- indications of any change in the nature of traffic in persons or the way it operates which might have implications for the implementation of national, regional or international policy.

The rapporteur is also responsible for fostering international co-operation within the existing international frameworks to curb the traffic in persons. This involves promoting international consensus on the collection and management of data.

The rapporteur's recommendations may be addressed to central or local government or other administrative authorities, or international organisations or NGO's. His annual reports will be published and submitted to parliament. His work will give the government a better understanding of the nature and scale of the problem in this country.

Victims of traffic in persons

Though no exact figures are available, experts agree that many of the Netherlands' sex workers come from abroad and that a significant number of them have no legal status in this country. Anyone who reports a case of trafficking may be granted a temporary residence permit or possibly a permanent residence permit on humanitarian or personal grounds. They are given three months to decide whether they wish to press charges, during which time they may remain in the Netherlands. They are also entitled to use all public facilities and services, such as counselling, medical, financial and legal services.

In 1999, 48 such permits were issued to victims on these grounds, as against 21 in 1998. The increase was due to stricter surveillance and law enforcement in the prostitution sector.

Public prosecution service and the police

Suppression of the traffic in persons is one of the public prosecution service's explicit priorities. A special liaison officer has been appointed for this purpose in each of the country's 19 court districts.

The 1999-2000 police policy plan, noting that 'traffic in persons is a serious violation of human rights', states that 'the police will pay special attention to the problem. The amendment of the Criminal Code removing the ban on brothels, and the introduction of a municipal licensing system for the employment of sex workers, will enable the police and other law enforcement agencies to conduct regular inspections of brothels and similar establishments.'

Abolition of ban on brothels

One of the aims of the new legislation lifting the ban on brothels is to improve the position of sex workers. The object is to clean up and normalise prostitution and improve working conditions. Decriminalising brothels is an important step towards improving the social position of sex workers. It will give them greater independence and enable them to demand decent working conditions. In addition, local authorities will be able to play a supportive role, ensuring that sex workers receive the same treatment as any other person in employment, for instance by informing them and their employers about their respective rights and obligations.

Sex work as such, in terms of conditions, environment and working hours, is both physically and mentally taxing, and health care services need to tailor their approach accordingly. Counselling, treatment and information on

prevention are extremely important and should be targeted at both individuals and groups. In consultation with sex workers' organisations and health care and counselling agencies, local authorities will be able to provide satisfactory and accessible health services for sex workers.

The relevant legislation and policy were prepared by authorities at all levels of government and representatives of all relevant policy areas. Non-governmental organisations too were actively involved. Everyone concerned has worked hard to develop and implement an appropriate and effective policy. A booklet with tips and advice on formulating, implementing and enforcing local policy will be distributed among those most closely involved - local authorities, the police and the public prosecution service - and anyone else concerned with policy.

Even after the new legislation comes into force, central government will still be responsible for monitoring all developments in this field and evaluating the policies pursued. The effects of the new legislation will be closely monitored for the first few years. In September 1998, a survey was launched to gain insight into the nature of sex work in the Netherlands and the scale on which it occurs. The data obtained from the study will be used for comparison in the future.

The impact of the new legislation will be studied for two years after it enters into force. An assessment will be made of trends in prostitution as such, and of administrative and policy developments at local and regional level, focusing in particular on the consistency between administrative and criminal law enforcement measures. The study will also review the government's policy to see whether the principal aims are being achieved.

The following monitoring and policy review procedures are being carried out at present:

The De Graaf Foundation [16] is compiling data on the current situation, while the Netherlands Institute for Social Sexological Research will be looking into the effects of the new legislation on the social position, health and well-being of sex workers. In this connection it will start interviewing sex workers just before the law comes into force and continue to do so for some time afterwards.

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

Abolition of ban on brothels

The Dutch government holds the view that prostitution and brothels are facts of life and that neither can be eradicated by legislation. Lifting the prohibition on brothels that employ adults who voluntarily engage in prostitution will make it possible to set the profession on the right track, to make it as decent, safe and transparent as possible, and free of the crime often associated with it. At the same time, firm action must be taken to stop enforced prostitution, prostitution involving minors, and other unacceptable forms of sexual exploitation. The government's position is that decriminalising brothels will make it easier to eradicate sexual exploitation. It will also enable the authorities to introduce and enforce measures to protect the health and safety of sex workers.

[16] A national institute concerned with prostitution. It acts as an advisory body to the government and conducts research and public information campaigns.

CHAPTER 5 Articles 7 and 8: Political and public life

LEVEL 1: PRESENT POSITION AND LEGISLATIVE MEASURES

1a. Present position

Political life

The present government includes a substantial number of women Ministers and State Secretaries, as did the previous government (28.6 percent of Ministers and 41.7 percent of State Secretaries in the previous government; 26.75 percent and 35.7 percent respectively at present).

In 1999, 11 of the 31 Dutch members elected to the European Parliament were women, representing 35.5 percent as against 29 percent at the end of 1998. This is roughly average compared to other member states.

The proportion of women in the Upper House of Parliament rose from 28 percent at the end of 1998 to 36 percent in 1999. Women accounted for 36 percent of the members elected to the Lower House in 1998.

The number of women elected to provincial executives in March 1999 rose to a total of 26 percent, representing a gain of more than 5 percent compared to 1998. In 1999, the number of women members of provincial councils rose from 27.8 percent to 30.7 percent.

There are still very few women on the executives of the water boards. There were only two women chairs and one secretary by the end of 1998 (3.2 and 1.7 percent respectively) and 32 women among the remaining 341 members of executive boards. The Ministry of Transport, Public Works & Water Management has resolved to seek suitably qualified women to appoint to the water board executives. In the meantime, a woman has been appointed to the Commission on Water Management for the 21st Century.

The Netherlands had 88 women mayors at the end of 1998 (17.2 percent), two more than in the previous year. The number of women aldermen and municipal councillors at the end of 1998 had remained unchanged since 1992 (18.2 and 22.9 percent respectively). Although there was no substantial change in the number of women elected to local councils in 1998, the number of councillors from ethnic minority groups rose to more than 140, over 25 of whom were women, i.e. twice as many as in 1994.

For a number of political bodies, the targets set in the previous report have not in fact been achieved. The target for the Upper House election of 1999 was 30 percent. The appointment of one more woman Queen's Commissioner would have been sufficient to achieve the target. The number of women members of provincial councils also falls short of the target (35 percent). Achieving the targeted number of women mayors (25 percent in 2002) will not be easy, while the number of women on local councils is likewise still too low.

Percentage of women in political life, 1992-1998

	1992	1994	1996	1998
Ministers	21	29	29	28
State Secretaries	27	42	42	36
Members of the Lower House	29	33	33	36
Members of the Upper House	25	25	23	24
Members of the European Parliament	28	32	31	29
Members of local councils	22	22	22	23
Members of provincial councils	30	29	31	28
Members of provincial executives	25	25	19	21
Queen's commissioners	8	8	8	8
Mayors	9	13	15	17

Source: 1999 Political and Public Life Progress Report.[17]

[17] The Ministry of the Interior publishes annual progress reports on the proportion of women in political and public life.

Public life

In its interim report and action plan for July 1999 to December 2000, the Temporary Expertise Committee on Emancipation in the New Advisory System (TECENA) concludes that efforts to achieve equal representation of men and women in strategic advisory bodies are proceeding well on the whole. The committee is of the opinion that progress in this respect can be attributed to the statutory terms of reference, and close monitoring at political level.[18]

Members of external advisory bodies as at 31 december

Ministries	No. of bodies	men	women	total	% women
General Affairs	1	8	2	10	20.0%
Foreign Affairs	3	35	7	42	16.7%
Interior and Kingdom Relations	3	15	11	26	42.3%
Economic Affairs	2	18	1	19	5.3%
Justice	3	20	2	22	9.1%
Agriculture, Nature Management & Fisheries	2	15	6	21	28.6%
Education, Culture & Science	3	33	23	56	41.1%
Transport, Public Works & Water Management	1	7	4	11	36.4%
Housing, Spatial Planning & the Environment	1	10	7	17	41.2
Health, Welfare & Sport	3	152	23	175	13.1%
Total	22	313	86	399	21.6%

The table below shows the number of men and women ambassadors, permanent representatives and consuls-general at the end of 1998. The Ministry of Foreign Affairs posted 469 women abroad, representing 38 percent of the total number of foreign postings. 828 (52 percent) members of local staff appointed abroad were women.

In 1999, the Ministry of Foreign Affairs requested the consultants Van Doorne-Huiskes to conduct a survey and report on the career development of men and women employed by the Ministry. According to their findings, the number of women on scale 12 and above has increased fourfold since 1986. The percentage of women promoted within each salary scale is proportional to the number of women on the scale in question. The report concludes that the promotion rate for women is not below that for men. The

[18] Advisory Bodies Framework Act, section 12, subsection 3: "As far as possible, appointments to chairs and membership of advisory bodies shall endeavour to achieve proportional representation by women and members of cultural or ethnic minorities."

Ministry is confident that it is only a matter of time before women are represented proportionally.

Heads of Dutch diplomatic missions abroad as at 31 December 1998

Heads of:	men	women	total	% women
Embassy	92	11	103	10.7%
Permanent representation	14	0	14	0.0%
consulate-general	30	0	30	0.0%
Total	136	11	147	7.5%

The number of women in senior posts in central, regional and local government is still rather disappointing.

Senior public service posts as at 31 December 1998

	men	women	total	% women
Central:1				
secretary-general	13	0	13	0.0%
deputy secretary-general	12	3	15	20.0%
director-general	35	4	39	10.3%
deputy director-general	30	0	30	0.0%
Provincia				
registrar	12	0	12	0.0%
Municipal:2				
municipal secretary	481	25	506	4.9%
Water boards:				
Secretary	59	1	60	1.7%

1) The women deputy secretaries-general are attached to the Ministeries of Education, Culture & Science; Transport, Public Works & Water Management, and the Interior & Kingdom Relations

2) 38 vacancies

LEVEL 2, below, describes the personnel policies of all the ministries approached in connection with the present progress report. They were asked about their personnel policies and their approach to the inflow, promotion and outflow of women staff.

1b. Legislative measures

Amendment of the Elections Act

The government submitted a policy document to Parliament outlining various possible amendments to the electoral system (Proceedings of the Lower House 1999-2000, 26 957). One of the terms of reference was that

the system should not be changed in any way that would disadvantage women or members of minority groups standing for election. The proposed amendments are being reviewed in the light of this consideration and on the basis of an emancipation impact assessment.

Provisions for people in politics with family obligations

-friendly facilities for politicians-friendly facilities for politicians
The government recently decided to introduce special facilities, such as childcare services, for local and provincial politicians. It also intends to submit proposals concerning pregnancy and maternity leave for women in political office.

LEVEL 2: TOWARDS DIVERSITY

Political life

In the spring of 2000, the government organised a meeting of experts to discuss diversity and renewal in politics. One of the aims was to share knowledge and experience on cultural change, and policy on diversity in various sectors. The meeting was attended by representatives of political parties and other key figures, experts, and representatives of the private and non-profit sectors.

The meeting urged the government to keep raising the issues of diversity, cultural change and the number of women in representative assemblies. The political parties also have a part to play in this connection.

Policy evaluation

The present policy is based on the government's 1996 policy document on women in politics and public administration, which sets out the policy measures and targets for the period up to the end of 2002. The implementation of these policy measures will be evaluated in 2001, mainly

to establish the reasons for their success or failure, and to ascertain which instruments are indeed effective. The government will study the evaluation and then decide how to proceed.

Elections in 2002

Studies have been conducted within local branches of national political parties and within branches of local parties in order to gain a better understanding of the candidate selection processes that ultimately determine who is elected to municipal councils. These studies were funded by the Ministry of the Interior & Kingdom Relations and the Ministry of Social Affairs & Employment.

One of these studies in particular, which polled more than 300 national party branches and local parties, brought to light some of the factors that influence the representation of women in municipal councils.

- The greater the number of women party members, the higher the percentage of women as electable candidates.
- Parties that have been relatively slow to recruit women tend to have fewer women as electable candidates.
- Women are more likely to become electable candidates for parties which have instituted a candidates or selection committee and drawn up a profile.
- Approaching candidates personally has a positive effect on the number of women electable candidates. Targeted measures appear to have little effect.

Measures will be taken in 2001 to get more women and people from a wider range of backgrounds nominated as candidates for the Lower House and municipal council elections to be held in 2002. Advice on recruiting and selecting women and ethnic minority candidates will be publicised on an internet website which is often consulted by political parties.

Increasing the participation of black, migrant and refugee women in politics

Though a greater number of ethnic minority candidates were elected to municipal councils in 1998, there are still disproportionately few black, migrant and refugee women in politics and public administration. A while back, the Ministry of the Interior & Kingdom Relations started providing limited funding for a training programme for women in this group aspiring to a career in politics. The programme also served to bring new talent to light. The number of black, migrant and refugee women on municipal councils doubled to a total of 26 after the 1998 elections. The programme proved so popular that applicants were assigned to a waiting list. As a result, extra funding is now provided to raise the number of participants to 38 between 1999 and 2002 and to continue to seek fresh talent. The programme has thus created a pool of motivated women who would be well qualified to stand for the next elections. Organised by the Multicultural Institute for Political Participation, the programme deals with party ideology, career planning, empowerment, political debate, analysis of social problems and job seeking skills, and includes a 12-month course on how to apply this material in practice. Finally, there are press campaigns targeting ethnic minority women, and coaching for women who are already active in politics.

The programme is extremely popular with women. The political parties are also enthusiastic about it and are always willing to take on trainees from the course. In view of the programme's success, several civil society organisations have asked the Multicultural Institute to set up small projects. These are expected to reach a further 120 women.

In 2001, a careers monitoring system will be introduced for women who have taken part in the programme. The aim is to find out what posts they obtain, whether they tend to stay in politics, whether they are promoted to higher posts, and what portfolios they obtain.

Survey

Men apparently tend to remain in politics longer than women. A survey will be conducted in 2001 to find out why women resign from local politics sooner than men.

Public life

Women's participation in decision-making on water

Women are very poorly represented in national and international decision-making bodies and businesses in the field of water. Their role as consumers and small-scale producers, notably in developing countries, is often ignored in strategic decisions about water. The Ministerial Conference on Water, which took place in The Hague in March 2000, therefore agreed that an international subcommittee on "water and gender" should be set up to formulate feasible proposals for the Third World Water Forum to be held in Japan in 2003. In this context, the Netherlands has agreed to organise an informal ministerial meeting.

Women in conflict situations

The government plans to foster gender expertise and promote the role of women in conflict prevention, conflict resolution and post-conflict situations, focusing in particular on the position of women in humanitarian and peace missions, International Courts of Justice, including the forthcoming International Criminal Court, commissions of enquiry and treaty bodies.

Ministries personnel policies

The Ministry of Defence aims to increase the percentage of women serving in the armed forces from 7.6 (spring 2000) to 8 by 2002. After the United Kingdom (9.4 percent), the Netherlands has a higher percentage of women in the armed forces than any NATO member in Europe. In 1999, the

Ministry published a booklet specifically for women applying for jobs on its staff. The Ministry aims to raise the number of women in the armed forces to 12 percent by 2010. To achieve this target it intends to increase the ratio of female professional military personnel to 20 percent by offering fixed-term contracts in the hope that as many as possible will remain as permanent staff. From interviews it transpires that many women with children leave the armed forces because under the present arrangements they may be sent abroad once their child reaches the age of five.

The Ministry of Foreign Affairs has set targets for the intake and promotion of women in senior posts and for reducing the outflow of women. A working group on equal opportunities and personnel policy advises the Ministry's management on these matters. 1998 saw a decline in the number of women appointed to junior posts and an increase in senior appointments, while the promotion rate was higher for women than men.

The Ministry of Economic Affairs is trying to increase its intake of women by advertising in relatively unconventional media, notably those that target women in particular. It is also looking into the reasons why women tend not to move on to management and other senior positions, with a view to removing whatever obstacles stand in their way.

The principle of emancipation forms an intrinsic part of personnel policy at the Ministry of Finance, which strives to attract both men and women. One of the main employment benefits is that all staff are given the opportunity to combine work with family obligations. The Ministry is experimenting with flexible conditions of employment to achieve this. It has developed a management curriculum to promote the advancement of women to more senior positions, and women are encouraged to take part in career orientation programmes. In principle, all posts can be filled by part-time workers, and all personnel have access to childcare services.

The Ministry of Agriculture, Nature Management & Fisheries believes that job satisfaction depends mainly on the merits of the employer. A survey

has shown that its staff attach relatively high importance to what the Ministry regards as "feminine" values, such as good contact with colleagues, participation and opportunities for self-development.

The Ministry of Education, Culture & Science runs a training programme for young graduates. In 1998, 11 of its 16 trainees were women, and in 1999 all five were women.

The Ministry of Social Affairs & Employment is committed to recruiting women to fill posts in male-dominated areas. It is also making efforts to identify the problems that prevent women from moving on to more senior posts.

Participation of women in advisory and management boards

The Temporary Expertise Committee on Emancipation in the New Advisory System (TECENA) consults with all strategic advisory boards, Senior Ministry Staff and Members of Parliament to promote the appointment of women in the advisory system. The TECENA is also developing structures to ensure that gender issues are always taken into account in the advisory process.

Ministries also take special measures to ensure that women are represented on advisory boards. For example, the Ministry of Health, Welfare & Sport has funded several projects aimed at increasing the number of older women on management boards. A textbook has been designed for this purpose, and older women with management experience are trained to motivate and recruit women to similar functions.

The Ministry of Education, Culture & Science aims to increase the number of women on advisory and management boards in the cultural sector. Women tend to be more culturally-inclined than men. They read more, attend cultural events more frequently, are more likely to be involved in the amateur arts, and the majority of art students are women. Yet there are

disproportionately few women in decision-making structures relating to culture. A recent study among major cultural institutions in Amsterdam shows that no more than 20 percent of their executive boards are women, though women do account for 42 percent of the members of the Council for Culture, the government's principal advisory organ for cultural policy. The Ministry has introduced various measures to get more women on to management and advisory boards. For instance, applicants for a multi-year subsidy under the provisions of the policy document on culture are asked about the present structure of their management and executive boards and their views on the structure of staff and management. The Ministry has also commissioned a project to prepare ethnic minority members, including a large proportion of women, for management positions in the cultural sector. Chapter 7 deals with women in advisory committees for education.

The report on article 14 discusses the measures taken by the Ministry of Agriculture, Nature Management & Fisheries to increase the number of women on boards and committees.

Women in the police and fire services

In 1999, senior police executives held a conference on diversity. Several important proposals were advanced aimed at promoting diversity in the police organisation and getting women and ethnic minorities into management positions. The proposals were as follows:

- Present and potential holders of management posts should be screened to determine their attitude to diversity.
- Part-time work should be encouraged, which would give women in particular an added incentive to work for the police.
- The inflow and advancement of women and ethnic minorities should be encouraged; in this connection, the possibility of supernumerary appointments need not be ruled out.
- Feasible targets should be set in the police regions.

The aim, which seems likely to be achieved, is to raise the proportion of women police officers to 25 percent by the end of 2002 and women in

management functions to 4 percent. The first woman chief officer was appointed in 2000.

In 1995, an action programme was launched with the aim of increasing the number of women firefighters. Women made up 0.7 percent of fire brigades at the end of 1996 and 2.6 percent by the end of 1998. The target for 2002 is 5 percent. The following measures will be taken to achieve this:

- Continued support for the Women Firefighters Network.
- Improved information about jobs and vacancies with a view to attracting more women.
- Annual monitoring of progress (inflow, advancement, outflow).
- Regular publication of evaluations of results.

A policy document on the recruitment of women into fire services will be published in 2000. Women are often deterred from applying or are turned down if they do, because of the often exacting physical requirements for the job. The Ministry of the Interior & Kingdom Relations will conduct a study to determine what requirements are relevant, and publish guidelines based on the outcome.

Women and sport

Though considerable progress has been made in recent years, there are still fewer women than men taking part in sport. The disparity is particularly large in technical, administrative and arbitration posts. This situation is considered unsatisfactory, given the benefits of sport for mental and physical health and its contribution to social cohesion and integration.

Priorities with regard to women and sport are set out in a policy document (*Wat sport beweegt*). The strategies envisaged are:

- to encourage the groups of women who rarely take part in sport to become more actively involved
- to equip women to occupy junior management positions in sport and contribute to the development of sport in the Netherlands

- to create a climate in which both men and women feel at home

Emancipation is regarded as an important means of achieving these objectives. In developing new projects, importance will be attached to creating an ambience in which people can choose whether they want to participate for leisure, self-development or in order to excel.

Over the next few years, research and innovative of monitoring projects will devote special attention to:

- encouraging girls from ethnic minority groups to take part in sport
- improving access to junior management posts in sports organisations for women
- combating sexual harassment and fostering physical and social resilience
- stereotype perceptions of women and the influence of the media.

These issues will be incorporated into all projects at local, regional and national levels. For example, policy on voluntary work will include an explicit gender perspective.

The Ministry of Health, Welfare & Sport is at present drawing up an action plan on women and sport setting out a number of measures to increase the percentage of women in executive and management posts. In this context the Ministry will publish a brochure for national sports organisations, take part in an international conference on Women and Sport in Helsinki, and organise a number of meetings to discuss this theme, focusing mainly on organised sport.

To prepare for the possibility of a more stringent policy, national sports organisations have been asked to include in their annual grant applications general information about their membership and details of the number of men and women in executive posts. The object is to find out who occupies such posts and whether policy needs to be changed.

Women in the care sector

The Ministry of Health, Welfare & Sports is working on a project to increase the number of women in senior health care posts. On the one hand, this means recruiting and promoting women to senior positions, and on the other, making sure they remain there. Measures to achieve this must be aimed at three target groups:

- The majority of people working in or for the care sector must be in favour of more women occupying senior positions;
- Managers and policymakers in the care sector must take active measures and create appropriate conditions to get more women into senior posts and ensure that they remain there;
- Women themselves must want to occupy senior posts; they have to do whatever is necessary to get there and remain there.

The project was incorporated into the 1999 employment agreements between employers and unions (Agreement on Employment in the Care Sector and Agreement on Employment in Welfare and Youth Services). It will therefore be operational from 2000 to 2004. A strategy will be worked out in an action plan on the basis of a more detailed analysis of the target groups and the measures needed to achieve the aims described above. The action plan will also set out specific action points and activities. The project will ultimately be evaluated, and the results published in the Ministry's annual report and in the evaluations of the 1999-2002 welfare policy document.

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

Ministry personnel policies

Measures to counteract stereotypes need not be dramatic. A clever campaign can achieve good results. For instance, advertisements for jobs at the Ministry of Education, Culture & Science carry photographs of women in high-profile jobs, all of whom actually work for the Ministry. The

Ministry's staff magazine and in-house weekly for workers in the fields of education, culture and science include articles by women as well as men on personal subjects such as their ambitions and their efforts to combine work and family commitments. The Ministry also encourages efforts to combat stereotypes. In November 1999, a working party on women and decision-making (employers, staff, the Ministry) published a booklet for schools, employers' organisations and trade unions with advice on how to recruit, select and appoint women to executive positions, school boards and collective bargaining bodies.

The Ministry of Transport, Public Works & Water Management is changing its staff vacancy advertisements along the same lines in the hope of attracting more women. Though the image they project is still professional, they now include more photographs of women. The Ministry of Health, Welfare & Sport has chosen to adopt the same approach, as has the Ministry of Justice.

As a matter of policy, the Ministry of Social Affairs & Employment gives preference to women for high-profile positions that involve contact with parties outside the Ministry.

Gender Portrayal Agency of the Netherlands Broadcasting Corporation

Radio and television often project stereotype images of men and women. The experts people consult are usually men, whereas women tend to be cast as victims or problem cases. It is often difficult for the media to change these patterns of sex-typing. Businesses and other organisations interviewed by a journalist will generally choose a man to act as their spokesman or specialist. On the other hand, women are often disinclined to parade their skills. One of the aims of the Gender Portrayal Agency of the Netherlands Broadcasting Corporation (NOS) is to eradicate stereotypes. The Agency was funded by the Ministries of Social Affairs & Employment and Education, Culture & Science from 1991 on, but became a structural part of the NOS in January 2000. In its 1999-2002 programme for the

national public broadcasting system, the board of directors undertook to promote equal gender and ethnic representation in its programming. A working group on gender portrayal, which represents all the public broadcasting associations, liaisons with programme directors and producers. Internationally, the Gender Portrayal Agency is considered a leader in its field. Its projects include INDEX 2000 and Screening Gender (see below).

INDEX 2000 is a directory published annually listing 230 women experts who specialise in a wide range of subjects, including economics and management, sport, peace and security, information technology, education, arts, urban and spatial planning, energy, the environment and agriculture, international relations, health care, culture and religion. The directory is a handy aid for journalists. This year's directory lists twice as many names as the 1999 edition.

Screening Gender is an audio-visual "toolkit" for the training departments of European broadcasting associations. It analyses the way images are projected and perceived, and offers alternatives for entrenched stereotypes. The package was developed by the NOS in co-operation with the Finnish, Norwegian, Swedish and German broadcasting companies.

Women and Development policy

One of the factors the Ministry of Foreign Affairs takes into account when assessing grant applications for development projects is whether the projects aim at promoting the participation of women. This is one of the general conditions for awarding grants, and it likewise applies to grants from the Women's Fund.

General conditions

Various mechanisms and training programmes have been developed over the years to put the policy on Women and Development into practice. Seminars are held to keep Ministry Staff up to date on the subject, while

sectoral papers serve as background material for consular and embassy staff, country desks, and experts in projects or on short missions.

In the policy document *A World of Difference* the Minister for Development Co-operation set targets for aid to women. Every project has to satisfy four criteria:

- women in the recipient country, and ideally members of the target groups, must be involved in the identification and formulation of the project; the project document should explain what role they played;
- women from the target group must play a active part in implementing the project;
- the project document must identify any obstacles that prevent women from taking part and describe the measures taken to overcome them;
- experts in the field of Women and Development must be available throughout the project to ensure that women play a full part; the project should describe how this is done.

A development screening test was introduced in 1992 to access from the start whether a project proposal; targeted the three main aims of Dutch policy: poverty reduction, women's autonomy and environmental protection. Women and Development as a factor in the screening test involves questions about the participation of women in the target group (know as the Development Assistance Committee/Women in Development criteria), and about the anticipated impact of the intervention on eleven aspects of women's autonomy.

A Gender Assessment Study (GAS) was introduced at a later stage, since applicants completing the development screening test form often failed to give sufficient information to answer the questions concerning the anticipated impact of their project on women's autonomy. The GAS is used for collection information on the situation of men and women in the prospective project area when a new project is being formulated. Depending on the results, the project may need to be modified in order to give women the best possible chances and opportunities.

The screening test has heightened awareness of the need for women to participate in preparing and implementing projects, and has given inspired new ways of involving them.

A report entitled *Women and Development, Policy and Implementation in Dutch Development Co-operation 1985-1996*, published in 1998, is fairly positive about the results of the Women and Development policy for women in developing countries.

The Women's Fund

Promoting the participation of women is an integral part of the Dutch Women and Development policy, which aims at an equitable role for women in development co-operation - as policymakers, executives and beneficiaries of development activities. This is achieved on the one hand by mainstreaming (eliminating obstacles that prevent women from taking part in the mainstream of development co-operation policy), and on the other by strengthening women's organisations (empowerment). Women are encouraged to set priorities that reflect that specific needs, interests and talents, thereby influencing and transforming the mainstream.

With parliament's approval, seven topics from the Beijing Platform for Action have been selected for further operationalisation: the integration of gender in macropolicy and macroplanning; promoting and protecting the human rights of women; participation in public administration and political decision-making ; poverty reduction and improved access to services; women and conflict management; tackling violence against women; reproductive rights and health.

Mechanisms are being developed in each of these policy areas to help implement the policy effectively. They will be adapted at the missions to suit local conditions and used to support innovative activities and capacity-

building in local women's movements and other areas. The Women's Fund, with an annual budget of 45 million guilders, is used for these activities.

Muslim women and development

Last year, the Women and Development Division launched a Muslim Women and Development Programme, in which women from migrant groups and women refugees play an active part. The programme consists of joint (North-South) action-oriented field research projects in six Islamic aid-recipient countries. The aim is to learn more about the struggle of women in those countries to achieve emancipation, notably their rights to education and reproductive health care, whether or not their efforts are based on Islamic norms and values. Given that an interest in and some knowledge of Islam are at the core of the programme, the studies are being conducted by young Muslim women for the Netherlands and from countries in which they are being carried out.

Part of the study is being done in the Netherlands, and therefore focuses on the wider group of Muslim women in the country. The fact that young Muslim women themselves are involved in the programme fosters dialogue and contributes to cultural diversity in development co-operation.

CHAPTER 6 Article 9: Nationality rights and legislation on aliens

LEVEL 1: PRESENT POSITION AND LEGISLATIVE MEASURES

1a. Present position

Dutch legislation on nationality has been amended since the last report, following the entry into force in the Netherlands on 1 October 1998 of the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption, signed in The Hague on 29 May 1993. Before 1 October 1998, a child acquired Dutch nationality automatically if it was adopted by a Dutch national, provided the adoption took place in the Netherlands, the Netherlands Antilles or Aruba. Since that date, pursuant to the said Convention, a child adopted abroad by a Dutch national is likewise automatically entitled to Dutch nationality.

1b. Legislative measures

Legislation governing nationality

A bill amending the legislation on nationality is currently before Parliament. However, none of the proposed amendments are relevant in relation to the UN Convention on the Elimination of All Forms of Discrimination Against Women.

General review of the Aliens Act

A bill proposing a general review of the Aliens Act was submitted to Parliament on 16 September 1999. The new legislation will enter into force, probably in 2001, once it has passed through Parliament and after the necessary preparations for implementation have been completed.

The main amendments concern the asylum procedure:

- The bill proposes a new system of residence permits. Residence permits will be issued for a fixed period and may be replaced after three years by a residence permit which is valid for an indefinite period.
- The procedure of filing objections with the government will be abolished. If an application is refused, the applicant may appeal from the decision to the courts. Such proceedings suspend deportation of the asylum seeker.
- Introduction of appeal to a higher court.
- Decisions on asylum applications will have several implicit consequences. If an application is refused, the asylum seeker's entitlement to accommodation and other facilities will be terminated automatically, and the person concerned may lawfully be expelled.
- The six-month period allowed for a decision to be taken may be extended in certain cases on individual grounds or for certain categories of alien.

Under the provisions of the bill - as under the present Aliens Act - aliens will be eligible for residence in the Netherlands on the grounds of international obligations, for compelling reasons of a humanitarian nature, or on the grounds that their presence serves a substantial Dutch interest. The aim of the proposed amendments is to reduce the number of asylum cases.

Though the bill contains no provisions relating specifically to women, the following aspects are relevant:

- Section 8 of the bill provides that aliens who are contemplating laying an information relating to traffic in persons may remain in the Netherlands for a period not exceeding three months.[19] This ground for lawful residence is new. In practice, it is especially relevant to victims of the traffic in women.
- The bill sets out the general conditions for obtaining a residence permit. One condition is that either the alien or the person with whom he intends

[19] If the person concerned does decide to lay an information, he or she may remain in the Netherlands until legal proceedings have been completed.

to stay must have sufficient means of subsistence. This requirement will be elaborated in secondary legislation.

Newcomers Integration Act

The Dutch *Wet inburgering nieuwkomers* (WIN) was mistranslated in the previous report as "Newcomers Assimilation Act", which is unfortunately misleading as to the aim of the Act.

The Newcomers Integration Act entered into force in the Netherlands on 30 September 1998. Its aim is to make newcomers more independent by following an integration programme. Local authorities are required to make an assessment of each newcomer resident in their municipality and, if necessary, prepare an individual programme comprising Dutch lessons, counselling, and coaching in local social customs and conventions. The newcomer may then be referred to a follow-up course or receive assistance in finding employment.

The Act was formulated on the basis of experience with the reception of newcomers, and elaborates on the regulations introduced in 1996, which provided for integration contracts on a voluntary basis. As a result of continuing immigration and the success of the integration policy and programme, it was decided to consolidate the policy by imposing statutory obligations on both newcomers and municipal authorities.

The Act has proved its worth as a means of ensuring that newcomers in general, and women in particular, are equipped to function independently in Dutch society. Women with children are given access to day-care services and various benefits under the provisions of the Social Security Supplements Act or special funds the government grants municipalities specifically for this purpose.

LEVEL 2: TOWARDS DIVERSITY

The position of women in the asylum procedure

The second report contained the results of a study, completed in 1998 by the Research and Documentation Centre, on the position of women in the asylum procedure. The main conclusion was that on average women stand the same chance as men of being granted admission to the country. Indeed, more women than men were admitted to the Netherlands between 1990 and 1992, although no clear-cut reason has been found to explain this discrepancy. There is no evidence that reasons for seeking asylum specific to women, or the reasons many women cite, affect their chances of being granted admission. The study did not assess the impact of the Ministry of Justice's instructions to the Immigration and Naturalisation Service, which include guidelines on "gender-inclusive" interviews and decisions. The instructions entered into effect only at the end of 1997, and will be evaluated separately.

Dependent right of residence

The Clara Wichmann Institute conducted a study following the announcement of a new admission criterion in the Aliens Act implementation guidelines in December 1997 relating to applicants who had been subjected to sexual or other abuse by their partners and whose marriage or relationship had ended as a result.[20] The study, which was co-funded by the Ministry of Justice, examined the policy pursued in granting or refusing applications for continued residence. Ninety files were examined to ascertain the decisive factors in assessing these applications.

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[20] Under the present system, aliens admitted to the Netherlands for the purpose of establishing a family or on the grounds of family reunion are granted a dependent right of residence for five years. Their stay in the Netherlands therefore depends on the residence rights of their parent or partner. After five years, they may apply for an independent right which would remain valid if the relationship ended. If the relationship ends within the first five years, the case is reviewed to decide whether the person may remain in the country, taking account of whether the relationship has lasted less than three years or more.

A statistical analysis showed that the majority of women (79 percent) who applied for continued residence after divorce or the death of their partners were granted a residence permit. 72 percent of those who had left their partners within three years and 89.5 percent of those who had left after three years were ultimately granted a residence permit. As regards women applicants who had exhausted all legal remedies, 83 percent of those with children and 68.5 percent of those without were ultimately granted permits. 86 percent of women who were on record as having been abused were granted permits as against 72 percent with no such record.

The conclusions drawn from the study were that the procedure leading up to the first official decision on a residence application (decision at first instance) needed to be improved. It was suggested that investigations should be more thorough, all applicants should be interviewed, and applications should be assessed more carefully in relation to the criterion of "compelling reasons of a humanitarian nature". It was also recommended that women who left their partners because of abuse should be eligible for both housing and residence permits, and that residence permits contingent on the permits issued to relatives should be valid for no more than one year.

In November 1999, the Ministry of Justice organised a meeting of experts to discuss dependent residence rights. The meeting was attended by representatives of several non-governmental organisations, including the Clara Wichmann Institute, the Lobby for Independent Residence Rights for Migrant Women, E-Quality, Forum and the Lawine Foundation. The meeting discussed the findings of the study by the Clara Wichmann Institute, referred to above, and a study carried out by the Social and Cultural Planning Office in 1998, analysing the backgrounds of ethnic minority women in paid employment. The study was relevant in this context as one of the conditions for obtaining an independent right of residence [21] is that the applicant must find employment within twelve months and earn

[21] Independent right of residence may be granted to anyone who is not eligible for a residence permit for a fixed period, a permit on the grounds of compelling humanitarian reasons, or a permit to reside in the Netherlands for other purposes.

at least the equivalent of the standard applied under the Social Assistance Act for single persons or single-parent families. The employment opportunities available to ethnic minority women are therefore an important factor in this context.

On the basis of the meeting and the results of the studies, the State Secretary for Justice proposed a number of amendments concerning the legal status of women in aliens legislation. The proposals focus more than the present policy on the independence of the individual. The following principles will apply in policy on applications for continued residence:

- An applicant whose marriage or relationship has lasted more than three years will be allowed to remain in the country, providing their presence does not constitute a threat to public order. The applicant is required to have been resident in the Netherlands for three years in connection with that marriage or relationship. This change introduces greater flexibility in present policy, which allows continued residence on the grounds of compelling humanitarian reasons or if the applicant earns an income from work equal to at least the standard set for families under the Social Assistance Act.
- An applicant whose marriage or relationship has lasted less than three years may remain in the country only on the grounds of a combination of compelling humanitarian reasons.[22] The State Secretary rejected the experts' advice that admission should be granted on the grounds of a single compelling humanitarian reason. In his opinion, "compelling humanitarian reasons" must always comprise a combination of factors in the light of which application of the policy would cause unintended hardship.
- An applicant whose marriage or relationship terminated as a result of the death of his or her partner may remain in the country, regardless of

[22] The following factors are taken into account in establishing the existence of "compelling humanitarian reasons": the circumstances of single women in the applicant's country of origin, the social position of women in that country, the availability of acceptable assistance in the country of origin (according tot local standards), whether the applicant is responsible for children who were born in or are studying in the Netherlands, and evidence of violence, sexual of otherwise, within the relationship.

the duration of the relationship. Such circumstances are distressing and beyond human control and therefore warrant continued residence.

- The procedure for applicants whose marriage or relationship has lasted less than three years will be improved.

Women liaison officers

The number of women liaison officers rose from 39 percent at the time of the second report to 47 percent in December 1999. Liaison officers question aliens on their reasons for seeking asylum in the Netherlands.

CHAPTER 7 Article 10: Formal and non-formal education

LEVEL 1: PRESENT POSITION AND LEGISLATIVE MEASURES

1a. Present position

Full-time education is compulsory for all children between the ages of five and 16. Depending on their income, the parents of children at secondary school or in senior secondary vocational education are entitled to an allowance for school expenses and, for youngsters over the age of 16, reimbursement of their school fees. Youngsters aged 18 and over who are still attending secondary school are themselves entitled to a basic allowance, regardless of income or whether their parents are receiving help with school fees or expenses. Students in higher education may apply for financial assistance regardless of their age, and those in senior secondary vocational education may apply for a grant, which includes a student travel card, on reaching the age of 18. All students may apply for financial assistance up to the age of 30. Only students in higher education are entitled to a four-year loan after turning 30.

As noted in the previous report, no formal obstacles exist in the statutory provisions governing the various education sectors to prevent women and girls enjoying an education and obtaining qualifications at any state-funded educational establishment. The Netherlands has no law specifically aimed at reducing the number of girls and women who fail to complete their studies.

However, numerous activities are organised to prevent absenteeism and dropping out among both boys and girls. A special programme was presented in the spring of 1999, aimed primarily at creating the conditions for youngsters to achieve the highest and most suitable educational standards they are capable of and/or to optimise their opportunities for employment. Those who nevertheless drop out are encouraged to return to school or to enter employment in combination with a learning pathway.

Much has already been done to achieve these goals. The most recent figures show a decline in the number of dropouts, although a disproportionately high number are youngsters from ethnic minorities. The problem is more common in large cities than in other parts of the country. The dropout rate is higher among boys than girls, which is why no special measures are taken in respect of girls.

The government has for many years been anxious to reduce absenteeism and ensure that youngsters complete their compulsory education. The Compulsory Education Act was amended in 1994 for this purpose. Recent reports indicate that the amendment has had a positive effect, although there are still problems to be smoothed out. The 1998 government coalition agreement announces stricter monitoring of school attendance. An action programme has been drawn up for the four parties involved - school, municipality, youth services and judicial authorities - specifying the measures to be taken.

The rate of participation in education among girls in the Netherlands is high. As the following table shows, a growing number of girls complete senior secondary general or pre-university education, while girls are no longer under-represented in higher education. In 1999, for the first time, more women than men enrolled for higher education. Women nevertheless still tend to choose arts subjects and social sciences in preference to the exact sciences.

Educational level by age and gender, percentage of the population per age group, 1998

Age	Gender	Type of education						
		Primary	Pre-vocational	Junior general secondary	Senior secondary vocational	Senior general secondary	Higher profess.	Universit
15-19	m	33	16	38	2	11	0	0
	f	28	11	41	5	15	0	0
20-24	m	7	14	10	36	19	13	1
	f	6	9	8	37	20	18	1
25-29	m	7	14	6	39	6	18	10
	f	7	10	7	40	7	20	10
30-34	m	7	16	5	39	6	16	11
	f	7	13	7	41	7	17	8
35-39	m	9	15	5	36	5	18	11
	f	10	13	9	38	7	16	7
40-44	m	10	15	5	37	5	17	11
	f	13	16	9	34	5	17	5
45-49	m	12	14	5	37	3	19	10
	f	17	19	11	30	3	15	4
50-54	m	12	14	7	35	3	17	11
	f	18	22	12	28	3	14	4
55-59	m	16	15	6	37	2	15	8
	f	21	25	11	26	3	11	2
60-64	m	19	16	5	36	2	15	6
	f	31	24	12	21	3	8	1
65+	m	26	15	7	31	3	11	6
	f	47	15	12	16	2	6	1
Total	m	14	15	8	34	6	15	8
	f	20	15	12	29	6	13	4

Source: Statistics Netherlands, *Labour force survey 1998*

Fewer women than men continue to study after school-leaving age. 41 percent of women aged between 20 and 24 continue to study as against 48 percent of men. The situation is reversed for people over the age of 40,

when more women than men take part in education (source: *Education, Culture & Science in the Netherlands: Facts and Figures 2000*). On the other hand, women tend to be more successful in education and are more likely to complete their studies. Women in the younger age groups, who formerly lagged behind men in education, have caught up and are now slightly ahead. This does not yet apply to ethnic minority women (source: *Emancipation Yearbook 1999*, Ministry of Social Affairs & Employment and Statistics Netherlands). The educational level of the ethnic minority population is lower on average than that of the population as a whole, as can be seen from the following table.

Educational level of 15-64 year-olds by gender, age and ethnic background, 1997 (%)

	primary	junior general secondary/pre-vocational	senior general secondary/pre-university/senior secondary vocational	higher professional	University
Female	15	29	39	14	4
Dutch	13	29	40	14	4
15-34	9	26	46	14	5
35-64	16	31	35	14	4
Ethnic minority	29	23	31	11	5
15-34	28	26	33	9	4
35-64	30	20	30	13	6
Male	13	24	41	15	8
Dutch	11	23	42	15	8
15-34	11	28	42	13	6
35-64	12	20	42	17	9
Ethnic minority	26	25	30	11	8
15-34	26	29	30	8	6
35-64	26	21	30	13	10

On the whole, the educational level attained by girls from ethnic minority groups is still relatively low. In all ethnic communities, the younger the age group the more likely pupils are to complete secondary school. Nevertheless, there are significant discrepancies in educational level between women of the same age from different ethnic groups. Ethnic Dutch attain the highest average educational level, Turks and Moroccans the lowest, while Surinamese and Antilleans are somewhere in between (source: *Variation and Participation*, Social and Cultural Planning Office 1999). Across the board, girls from ethnic minorities score better than boys from the same category, and are slightly more likely to get jobs (source: D. Vlasblom, A. de Grijp and L. van Loo, *Employment opportunities for girls and ethnic minorities*, ROA-R1997/9, ROA, Maastricht, 1997).

Adult (or recurrent) education enables people to compensate for schooling they have missed. Training centres for women have proved successful in helping black, migrant and other women meet their specific educational needs. The table below shows that the number of ethnic minority students in adult basic education has increased since 1990, although the number of students overall has declined. There has been a particularly sharp increase in the number of ethnic minority women students.

Adult basic education students by gender and ethnic background. Source: Emancipation Yearbook 1999

	1985		1990		1994		1997	
x 1000	f	m	f	m	f	m	f	m
total no. of students	56	32	74	41	86	53	69	41
ethnic minorities	-	-	42	16	39	17	27	12
ethnic Dutch	-	-	32	25	47	36	42	29

Substantially more men than women aged between 20 and 35 take part in company training schemes, which can also be seen as a form of recurrent education. As a result, women are less likely to advance to higher positions. There are two reasons for this, each of which tends to

perpetuate the other. Women aged between 20 and 35 in paid employment often combine work with the care of small children, and many therefore opt for flexible working hours or a part-time job, whereas employers tend to invest mainly in their full-time staff. This is a disturbing trend, as recurrent education is currently considered one of the most important instruments for ensuring that workers continue to be employable.

1b. Legislative measures

Proportional Representation of Women in Management Posts in Education Act (WEV)

The Proportional Representation of Women in Management Posts in Education Act entered into force in March 1997 and applies to all sectors of education. It encourages educational establishments to make a conscious effort to achieve proportional representation, without undermining the governing body's responsibility for appointments policy. For many years, the Ministry of Education, Culture & Science has pursued an emancipation policy aimed at changing a situation in which women have been badly under-represented in education management. Since 1993, the Ministry has monitored the percentage of women occupying the highest posts in all educational establishments. The table below is based on the Thermometer of Women and Management 1999/2000 (source: CASO salary records, as at 1 October 1999, Higher Education Employment Register, as at 1 October 1999, and University Staff Information, as at 31 December 1998).

Percentage of women in FTEs in management posts in the various education sectors

	1993	1998	1999
Primary education			
Deputy head	49.1	45.9	45.6
Head	13.1	13.2	14.0
Special education			
Deputy head	19.4	19.8	20.6
Head	7.2	9.9	9.6
Secondary education			
Deputy head	11.1	12.2	13.1
Head	5.7	8.2	8.6
Vocational and adult education			
Scale 13+	(1994) 14.2	20.5	21.6
Higher professional education			
Scale 13+	5.5	9.9	10.6
	1992	1997	1998
University education			
Professor	3.6	4.9	5.4
Senior lecturer	6.4	7.5	8.2

Percentage of women in management and teaching posts in 1998 and 1999 (1997 and 1998 for university teaching and research posts)

	1998	1999
Primary education		
Teaching	73.9	74.7
Management	25.0	25.5
Special education		
Teaching	58.8	60.1
Management	14.4	14.6
Secondary education		
Teaching	31.3	32.5
Management	11.1	11.8
Vocational and adult educ (9-12)		
<Scale 13	38.8	39.9

Scale 13+	20.5	21.6
Higher professional education		
Scale 13-	30.2	30.0
Scale 13+	9.9	10.6

	1997	1998
University education		
Other academic staff	33.9	32.9
Research assistant	37.5	41.5
Lecturer	19.6	21.2
Senior lecturer	7.5	8.2
Professor	4.9	5.4

Though no marked increase emerges from this Thermometer of Women and Management, the issue of "women at the top" is clearly on the agenda in the various education sectors. Current trends in higher education suggest that importance is attached to promoting women to more senior posts. This is illustrated by the recent activities of the National Liaison Group for Emancipation in Higher Education, the Aspasia incentive scheme for women in university, education and research, and a project aimed at preparing women in primary education for management positions. In short, the gap between women teachers and women in management posts in education is at any rate not growing.

The Education Inspectorate published a report in 1999 on the enforcement of the WEV in higher education. More than 60 percent of higher education institutions had submitted a statement of their target figures.

The Sapientia Prize, introduced in March 1996, is awarded annually to schools or governing bodies in primary, secondary, vocational and adult education which pursue a policy relating to women and management. In 2000, a conference will be held with the aim of furthering this goal and sharing good practice. Presentations and workshops will provide schools with ideas and information on the subject. The aim is to organise similar

conferences every two years in collaboration with employers' organisations and trade unions.

LEVEL 2: TOWARDS DIVERSITY

The point of education is to optimise opportunities and options for all participants and open as many doors for them as possible. It should achieve three equally important aims. These are described in Level 2, chapter 2 as conditions the government has identified that enable men and women to take full part in a free society. These conditions and the role of education in fostering them are as follows:

1. Economic independence achieved through good qualifications and by developing talent to the full.
2. Care-related skills and responsibility for the care of others, through which people discover the rewards of caring.
3. The skills, ability and desire to take part in society.

The following are some of the measures that have been taken to achieve these goals.

Policy measures aimed at increasing opportunities for youngsters

A policy document relevant in this context (*investeren in Voorsprong*, Ministry of Education, Culture & Science, 1997) describes the integration of information and communication technology in all education sectors. The emancipation impact assessment concluded that the context-based approach promulgated in the policy document opens up a wide range of opportunities for women and girls. Professional development is one of the cornerstones of the policy. A follow-up policy document, Education On Line (*Onderwijs On Line*, Ministry of Education, Culture & Science, 1999) defines equal opportunities as a policy theme. As a first step, the University of Amsterdam and the Free University of Amsterdam carried out a survey of gender differences in relation to ICT, and published its findings in a report called *New media, new differences*. The report and the

recommendations it contains have been included in the Interministerial Plan of Action on Gendermainstreaming, prepared by the Ministry of Education, Culture & Science and the Ministry of Social Affairs & Employment.

As noted in the second report, new subject combinations - one arts, one social science and two science-oriented - have been developed for the upper grades of senior general secondary and pre-university education to expand the range of opportunities open to youngsters. All of them include mathematics, although the way it is taught depends largely on the other subjects studied. The first figures have been published for the 1999/2000 school year, giving a breakdown according to gender of the subject combinations chosen in senior general secondary and pre-university education. The culture and society combination was chosen mainly by girls (86 percent in pre-university and 83 percent in senior general secondary education),[23] whereas the science and technology combination was generally favoured by boys (82 percent in pre-university and 89 percent in senior general secondary education). The science and health combination appealed to a more equal ratio of boys and girls. It was chosen by 65 percent of girls in pre-university and 59 percent in senior general secondary education. Quite a number of schools opted for a combination of science, technology and health, which proved quite popular with girls in both pre-university education (45 percent) and senior general secondary education (32 percent).

The number of women employed in engineering and technology and the number of women students on technical courses has always been disturbingly low. Techno-mentoring is one of the instruments used more and more frequently to attract and retain students. Women study under the supervision of a mentor, a woman employed in the engineering and technology sector. A pilot project was launched in 1996 with the aim of introducing techno-mentoring in Regional Training Centres. By 1999, 20 of these centres had experience with techno-mentoring.

The number of students enrolling for engineering and technology courses in higher professional education is declining, while women are in any event under-represented. The Ministry of Education, Culture & Science supports a number of activities designed to attract more students to these subjects, including the Technova project run by the Council for Women and Higher Technical Education (VHTO). The intake policy of institutes' technological courses is also under review, and an advisory system is being developed to help them formulate realistic intake policies. In addition, a study is being conducted to see whether appointing women to teach technical subjects would attract more women students. The VHTO has launched the experimental VIKING project in this connection, appointing women graduate engineers as visiting teachers.

Application of the emancipation impact assessment

Since 1995, the Ministry of Education, Culture & Science has reviewed all major policy intentions through the use of the emancipation impact assesment to ensure that policy decisions do not inadvertently perpetuate gender inequalities or stereotype role patterns. In 1999, the University of Amsterdam analysed four impact reports in the field of education: on types of education following on from junior general secondary and pre-vocational education, the draft 1996 Higher Education and Research Plan, information and communication technology in education, and the Vocational Education Funding Formula 2000. The University advised the Ministry to commission impact assessments as early as possible in the policy process and to have the work done by an outside agency that was not involved in the process and would therefore be more impartial. Towards the end of 1999, an emancipation impact assessment was carried out in respect of the new student finance bill, taking account of gender as well as ethnicity and social and economic factors.

Proportional representation of women in advisory bodies

In 1999, the Temporary Expertise Committee on Emancipation concluded that efforts to achieve proportional representation of men and women in strategic advisory bodies were generally proving successful. The progress made in this respect has been mainly due to the terms of reference laid down by law, and active monitoring at the political level. By the end of 1999, women made up 40-45 percent of the members of the Advisory Council for Science and Technology Policy, the Education Council and the Council for Culture.

No more than 10 percent of research posts at the institutes of the Netherlands Organisation for Scientific Research are held by women, although they do comprise 29 percent of university staff. The proportion of women on the staff of the Royal Netherlands Academy of Arts and Sciences is 40 percent, while the percentage of female academic staff is somewhat lower, at 31 percent (source: Education, Culture & Science in the Netherlands: Facts and Figures 2000).

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

It goes without saying that girls in the Netherlands today strive to attain the highest level of education they can, and then go on to look for good jobs.

The eradication of stereotype attitudes to gender roles is high on the Dutch education policy agenda. Text books and curricula have been revised for this purpose and teaching materials have been adapted. An interesting example of the efforts being made in this respect is a curriculum called Learn to Choose (*Kiezen kun je leren*), which is designed to give youngsters in senior secondary vocational education more freedom in choosing a further course of study and/or a profession. The curriculum is specifically aimed at teachers, careers guidance officers and school management. It explains how each of these target groups, within the boundaries of their own mandate, can contribute to emancipation by

increasing students' freedom of choice, and what the implications are for schools. The publication sets out the theory and gives numerous practical examples. It also contains tips for each of the target groups.

The use of emancipation impact assessments in the preparation of policy also contributes to the eradication of stereotyping. Ultimately, this should help to create a society in which every individual can play their part, regardless of gender, ethnic background, sexual orientation, age, class, culture or religion.

The law provides to some extent for the eradication of sex-typing in all types and at all levels of education in the Netherlands. The Netherlands has opted to allow freedom of conviction (the principles on which schools are based) and freedom of organisation of teaching. As a result, legislation on education is always of a general nature. To a large extent, schools have the discretion to decide what they teach. The attainment targets formulated for primary and basic secondary education include emancipation objectives.

CHAPTER 8 Articles 11 and 13 a and b: Employment and economic life

LEVEL 1: ACHIEVING COMPLETE EQUALITY BEFORE THE LAW AND PUBLIC ADMINISTRATION

Most of this chapter is about a topic which is currently attracting great interest in the Netherlands: how to facilitate the combination of paid work and family responsibilities. This was first identified as a major policy aim in the Emancipation Policy Plan of 1985, when the goal was defined as follows: "To achieve a situation in which every adult can be economically self-supporting and independent, irrespective of his or her domestic arrangements. In principle, this situation will be achieved via increasing participation in paid employment and, where this is not possible, by the creation of an individual statutory right to social security benefits". The overall aim of Dutch government policy in this regard is still to achieve a permanent situation in which as many people as possible are able to combine uninterrupted economic independence with family responsibilities.

1a Present position

Participation in employment

The number of women in paid employment for at least 12 hours a week rose between 1988 and 1999 from 36 to 51%. This means that women's participation in employment has risen over the past decade by an annual average of over 11/4%. The government aims to maintain this rate of increase so that around 65% of women will be in this level of paid employment by 2010. Forecasts suggest that the medium-term prospects for women in the labour market are favourable. Staff shortages are expected to occur in precisely those sectors which most attract women: for example, care services, education, the retail trade and catering.

Increased female participation in the labour market does not necessarily mean that women will have adequate incomes. In order to judge whether the inequality in the socio-economic status of the two sexes is declining, the Netherlands uses the yardstick of 'economic independence'. Individual economic independence means having an income from paid employment equivalent to at least 70% of the full-time family minimum wage. In the 1985-1998 period, the percentage of women aged between 15 and 65 who were economically independent increased from 19 to 39. This represents an average increase of over 11/2% a year. The aim is to maintain the same rate of increase over the coming decade, so that by 2010 almost 60% of women will be economically independent.

A disadvantage of using 70% of the family minimum wage as the criterion for economic independence is that it gives no clear impression of the distribution of income between the two sexes. The yardstick for this is the trend in the proportion of total income from employment earned by women. Between 1985 and 1998, the proportion increased from 19 to 28%, equivalent to an annual growth rate of 0.6%. If this rate of growth is maintained, women will be earning over 35% of total income by 2010 (and men the remaining 65%).

Female entrepreneurs

A 1999 study of female entrepreneurs in the Netherlands carried out on behalf of the Ministry of Economic Affairs shows that women were responsible for 26% of all business start-ups in the 1994-1997 period. This figure rose to 29% in the immediately subsequent period. The findings of the study can be summarised as follows:

- Women tend to start businesses in the retail trade and other service sectors;
- Women are more likely to combine running a business with other activities (care responsibilities);
- 75% of female entrepreneurs are not heavily dependent on income from their businesses, as compared with 50% of male entrepreneurs;

- Women are less ambitious and have a lower opinion of their abilities than men;
- Female entrepreneurs start with less capital than men;
- The two sexes are equal as regards using their own money and bank credit facilities to create starter capital;
- Surprisingly enough, women experience fewer problems than men in relation to banks; the opposite has traditionally been thought to be the case;
- Women also experience fewer management problems than men;
- Businesses run by women show less growth and women are more reluctant to take on staff.

These findings suggest that female entrepreneurs work on a smaller scale than men, more often work part-time, achieve less business growth and are as good at running a business as men. A comparison between full-time male and female entrepreneurs reveals virtually no differences between the two sexes. The women are just as keen to achieve growth and the proportion of growth enterprises is the same for both sexes.

Care responsibilities

The necessary corollary to increasing participation by women in the workplace is (in addition to a growth in external care services) an increase in the day-to-day care responsibilities of men. The proportion of unpaid work done by men rose from 32% in 1985 to 35% in 1995. If this annual growth rate of 0.3% is maintained, men will be taking on almost 40% of the unpaid work by 2010.

Combination of paid work and care

Despite the steady year-on-year increase in female employment, the socio-economic status of the two sexes still shows traces of the traditional 'breadwinner model'. Especially in the case of married/cohabiting couples with children (in 1998, 90% of minors were living in two-parent families),

the traditional distribution of responsibilities is still clearly apparent. Half of all women in two-parent families either have no paid work or work only a few hours a week. Almost all the others - the working mothers - work only part-time. Averaged over all couples with children under 18, women earn only 12.5% of the family income.[24] The traditional role model (men as primary earners and women as secondary) combines with the facts of economic life (men generally gross more per hour than women) to dictate which of the partners sacrifices working hours and earning capacity when children appear on the scene.

In this respect, there is a clear distinction between the attitudes of women with higher education qualifications and those without. The former tend to be readier to give priority to achieving and maintaining economic independence, and consequently have children later or not at all. The latter tend to give priority to having children, and therefore sacrifice economic independence.[25] Financial considerations are also important: because women with relatively little education frequently have to take low-paid work, their employment is likely to add little to the family income.

1b Legislative measures

Facilitating the combination of paid work and care

As already explained, the overall aim of Dutch government policy in this regard is to achieve a long-term situation in which as many people as possible are able to combine uninterrupted economic independence with care responsibilities.

Facilitating the combination of paid work and care is in the interests both of individuals and of society at large. Care includes not only personal and family care, but also caring for the broader community. The time needed

[24] CBS, Enquête Beroepsbevolking 1990/1997 and Sociaal-Economische Maandstatistiek, 1997-4.

[25] Net participation by women with small children varied in 1997 between 17% (primary education only) to 74% (university education). Source: CBS/EBB 1997.

for this and the type of care involved will vary from one individual to another and at different stages in life. In order to achieve the overall aim of government policy, further progress needs to be achieved in the following three areas:

1. Facilitating the combination of paid work and care throughout the lives of both men and women.
2. Encouraging women to undertake paid employment and be economically independent.
3. Encouraging men to take greater responsibility for care.

To achieve these three subordinate aims, the government has taken steps in the legislative field and has set in train policies which will be discussed below under LEVELS 2 and 3.

Work and Care Bill

A Work and Care Bill was presented to parliament on 27 July 2000. The Bill is based on the proposals in a policy document on action to be taken to strike a new balance between paid work and care (*Op weg naar een nieuw evenwicht tussen arbeid en zorg*). The aim of the new legislation is to make it easier to combine paid work and care and so to make it more attractive for people of both sexes to enter or remain in paid employment.

The Bill embraces the entire range of existing and new leave arrangements (pregnancy and maternity leave, adoption leave, emergency leave, other short periods of leave, paternity leave and a right to a maximum of ten days paid carer's leave each year). These are to be brought together and harmonised. In addition, the regulations on parental leave and financing career breaks are to be integrated into the Act, and the opportunities for accumulating leave are to be expanded (with help from the tax system).

Pregnancy, maternity and adoption leave and benefits

Because the initial period of 'bonding' is an important factor in the success of an adoption, adoptive parents attach great importance to being able to

spend time with their adopted child when it first arrives in the family. The proposed right to adoption leave and benefits will mean that adoptive parents no longer have to use their holiday leave for this purpose. Non-employees, such as the self-employed, will also have a right to benefits. The existing right to 16 weeks' paid pregnancy and maternity leave will be extended to include an equivalent formal right for adoptive parents.

Short-term paid carer's leave

The proposed statutory right to a maximum of ten days' carer's leave per year is in addition to the present emergency leave scheme. Employees will qualify to take carer's leave if they need to look after a sick child, foster child or partner. The right to carer's leave is conditional; in other words, the employer can refuse leave if the interests of the company outweigh those of the employee. The employer can ask for evidence that the employee needs to stay at home to look after the patient.

As in the case of sick pay, employers will have a statutory duty to pay 70% of the normal wage during the period of leave, with a minimum equivalent to the minimum wage and a maximum equivalent to the maximum daily wage. The total cost of carer's leave is estimated at NLG 370 million a year. This figure is based on the assumption that the person going on leave will be replaced. Employers will receive generic compensation for half the costs (NLG 185 million), meaning that around a third of the costs of carer's leave will be met by the employer, around a third by the employee and around a third by the public purse. The decision to peg the relevant pay at 70% of the gross wage was made because any lower level of pay would make loss of income a major barrier to take-up of carer's leave and mean in practice that take-up would be largely by women. This would undermine both the aim of greater male involvement in care responsibilities and the increase in female employment.

Longer-term unpaid carer's leave

In the case of serious illness, the maximum annual period of ten days' carer's leave can be followed by a more prolonged period of unpaid carer's

leave. The details of this conditional right to longer-term unpaid leave still need to be worked out. Further research is required to establish who is likely to claim such leave, exactly how long it should be, how it should be paid for, and to what level. This research is intended to be completed by the end of 2000.

Accumulation of leave

An arrangement is to be introduced to allow up to 10% of the gross annual salary to be saved each year (in either time or money) towards a period of extended leave. In the case of time savings, the accumulated hours of leave will be converted into money. Workers will be able to save for a maximum of 12 months leave. It will also be possible to use the scheme to provide income during carer's leave but not to take early retirement.

Paternity leave

The government feels that partners should always be free to take two days off work around the time when a child is born. To this end, the Work and Care Bill proposes to give partners a statutory right to two days' paid paternity leave.

Flexible parental leave

It will be possible to divide parental leave into a maximum of three periods, which parents can then take at their convenience and at times of greatest need. Employers will be able to oppose the division of the leave on the grounds of compelling interests of the company.

Legislation on basic childcare provision

In June 2000, the government submitted to parliament an outline policy document on new legislation regarding provision. The Basic Childcare Provision Bill will be presented to parliament in the course of 2001.

The policy document outlines the future system of organised childcare. This is based on the idea that responsibility for the system is shared

between parents, employers and government. This shared responsibility is reflected in the method of financing. Parents are to pay income-related contributions towards the costs of the childcare they use, employers will make a 'set' contribution that bears no relation to the income of the employee/parent and central or local government will top up the parental contribution. Should an employer fail to contribute sufficiently (or at all) to the costs of childcare, the resulting gap will be filled by a partial, income-related government compensation payment. Eventually the government aims to have concrete agreements on childcare in roughly 90% of all collective labour agreements. The tripartite system of financing by parents, social partners and government should mean that employers will meet one-third of the overall costs of childcare.

The government thinks it is important that the consumers of organised childcare (i.e. parents) should have a strong and direct influence on how childcare facilities are organised. For this reason, a system of demand-side funding is preferred, since this will give parents direct control over resources. An income-related childcare subsidy is an appropriate way of achieving this.

The new legislation will set basic countrywide standards to be met by all organised childcare facilities. Beyond this, there will be scope for the sector itself to establish its own self-regulatory quality assurance system. Inspection of facilities and enforcement of statutory standards will be in the hands of local government (the Municipal Health Services). To ensure that enforcement is equal across the country and to maintain a national overview, there will also be a form of nation-wide meta-inspection.

Working Hours (Adjustment) Act

The Working Hours (Adjustment) Act came into force on 1 July 2000. It gives employees in both the public and the private sectors the right to reduce or extend their working hours once they have been in service for at least one year. Organisations employing fewer than ten people are

exempted from these provisions (but are expected to make their own arrangements in relation to the right of employees to change their working hours). Employers must grant requests to reduce or extend working hours unless it is unreasonable for them to do so on grounds relating to compelling interests of the company or public service. Exceptions to the right to extend working hours can be made by collective labour agreement, by or on behalf of an administrative authority empowered to make arrangements in this respect or by way of written agreement with the works council or staff representative committee. No exception can be made to the employee's right to reduce working hours. If an employee objects to the rejection of his request to change his working hours or to the way it is done, he can appeal to the courts. The Act offers employees greater scope to combine employment with other responsibilities so that work and care can be more equally divided between men and women. It may encourage women in particular to enter employment or to return to the workforce and become economically independent. The Working Hours (Adjustment) Act will become part of the future Work and Care Act, which will bring together and harmonise a number of different pieces of legislation relating to the combination of employment and family responsibilities.

Career Break (Funding) Act

The Career Break (Funding) Act came into force on 1 October 1998. It offers public and private-sector employees who interrupt their careers for a period of care or study the possibility - under certain conditions - of drawing benefits of up to NLG 960 a month for a period of between 2 and 18 months.

Such periods of protracted leave must be agreed between the employer and employee and a condition of funding is that the employer must arrange for the person on leave to be replaced, normally by a benefit claimant. This requirement does not, however, apply in the case of palliative leave (leave to provide care and support for a person in the final stages of an incurable illness). The law does not define the persons to whom care may be given

under such arrangements: this is a matter for negotiation between employer and employee.

The Career Break (Funding) Act was evaluated one year after it came into force. The results of the evaluation were presented to parliament on 30 May 2000, together with the policy conclusions drawn.

New Social Assistance Act

The new Social Assistance Act (ABW), in force since 1996, places the emphasis very much on the obligation of benefit claimants to find work. The basic principle is that parents (lone or otherwise) who are responsible for looking after children aged five and over have an obligation to seek work. In the autumn of 1999, the government decided that lone-parent benefit claimants with children under the age of five should also be available for work (24 hours a week), although the present Social Assistance Act exempts them from this obligation. Parliament has reserves about this change in policy. Its view is expressed in a motion introduced by two members of parliament - Jet Bussemaker and Arthie Schimmel - and subsequently adopted by the Lower House (Lower House 1999 26447 no. 27). The government is expected to respond to this motion in September 2000.

Childcare for benefit claimants

The government wishes to make temporary arrangements to fund organised childcare for unemployment or invalidity benefit claimants who are responsible for looking after children. The aim is to encourage them to undertake training or other activities leading to their reintegration into the workforce.

Measures to improve the employment and economic status of women

Flexibility and Security Act

The Flexibility and Security Act came into force on 1 January 1999 and focuses mainly on the flexible working arrangements in which women are often involved (staff on standby, agency staff, homeworkers and people in other forms of temporary employment). While serving the interests of employers, the government intends the new statutory arrangements to be of particular benefit to employees on temporary contracts of employment, by giving them greater job and financial security.

The new arrangements govern the serial use of temporary contracts of employment. Any fourth temporary contract or any temporary working arrangement lasting more than 3 years is now converted by the operation of the law into a permanent contract of employment. Where the nature or length of employment is unclear, the Act places the burden of proof on the employer. In addition, the legislation regulates matters relating to the minimum wage, probationary periods, agency contracts and periods of notice. In addition to some special provisions, the Act declares the general law on contracts of employment applicable to temporary working arrangements. A second study has recently been made of experience with the Act and its effects in the workplace. The findings are expected to be presented to parliament in mid-September 2000. In 2001, the Act will be the subject of a comprehensive evaluation.

Medical Examinations Act

The Medical Examinations Act came into force on 1 January 1998. Among its provisions is that medical examinations may only be demanded of workers entering employment or being offered new terms of employment if the job has unusual medical suitability requirements. In addition, it provides that a medical examiner may only ask questions or perform an examination relevant to the job that the woman involved wishes to do.

The Act also provides for the appointment of an independent complaints committee, which the government hopes to appoint on 1 January 2001.

Pension rights

The government has presented a bill to parliament allowing people to opt for extra retirement pension instead of surviving dependants' pension and to ensure equal treatment of men and women in this respect. One intention of the proposed new legislation is to complete and consolidate the regulations on the equal treatment of men and women in respect of supplementary pensions. It contains provisions prescribing equal pension payments for men and women and equality of choice in relation to different types of pensions.

Improving working conditions

Working Conditions Act

The new Working Conditions Act came into force on 1 November 1999 and establishes the general framework for policies to be adopted by employers in consultation with their staff. This includes regulations both on management practices directed at the improvement of working conditions and on the substantive principles on which those policies must be based. For example, employers must have policies to protect workers against sexual harassment and they must, so far as can reasonably be expected, adapt physical arrangements in the workplace, the content of work and so forth to suit individual employees. Simultaneously with the new Act, a new Working Conditions Decree also came into force, prescribing concrete norms which are binding on employers and employees. The two sides' joint responsibility for working conditions is emphasised both by a new system of administrative fines and by financial incentives.

Pregnant workers

The Working Conditions Decree includes conditions which employers must fulfil for pregnant workers and staff who are breastfeeding. These apply both to the identification and assessment of risks associated with the work and to the organisation of the work itself.

The employer has a duty to provide pregnant workers with information about health and safety at work during pregnancy and breastfeeding. Any specific risks to the worker and her child during pregnancy and the period of breastfeeding must be identified. These include, for example, work which is physically demanding or must be done standing up, and work involving risk of infection, stress, exposure to chemical substances, radiation, vibration or damaging noise.

The employer has a duty to eliminate potential work-related dangers and risks in consultation with the woman concerned. If this proves to be too difficult, the work or working hours may be modified or the woman concerned may be offered alternative employment or exemption from work for the relevant period. In addition, pregnant or breastfeeding workers should be given access to a suitable space where their privacy can be assured while they rest, breastfeed their children or express their milk. In March 1999, the Ministry of Social Affairs and Employment published a brochure informing female workers of their rights and duties in these respects (*Veilig en gezond werken tijdens de zwangerschap en na de bevalling*).

LEVEL 2: IMPROVING THE POSITION IN PRACTICE

Facilitating the combination of paid work and care

The period between 1985 and 1999 saw a rapid increase in the number of women with small children in paid work.[26] At the same time there was an increase in the amount of time spent by men on unpaid domestic work.[27] This trend towards a more equal division of responsibilities was accompanied by policies designed to facilitate the combination of paid work and care. However, the policy goal set in 1985 has still to be achieved. It is not yet the case that every adult is able to support and care for him or herself (and any dependent children). A process of redistribution of paid and unpaid work is under way between the sexes, but women are still doing the greater part of the (unpaid) caring responsibilities and men the greater part of the (paid) work outside the home. Further action is required to ensure that the 'one-and-a-half income model'[28] gives way to the 'combination scenario'[29].

Childcare

Organised childcare is an important way of enabling parents to combine paid work and family life. For an increasing number of children, organised childcare is a fact of life. For this reason, policies in this area are designed not only to expand capacity but also to improve quality. In 1997 a start was made with the expansion of care facilities for school-age children. Survey data published in 1999 show that capacity had increased to over 100,000 places by the end of 1998. Such out-of-school facilities are used by over 180,000 children: more than 7% of all Dutch children aged up to 12. Out-of-school care showed particularly rapid growth in 1998: up by 9,500 places. Turnover in the childcare sector totals approx. NLG 1.5 billion. Government

[26] According to recent CBS figures dating from 1996, 30% of women still stopped work completely after the birth of their first child. By 1999 this figure was down to 20%. In 1989, 37% of women were in employment. By 1999 this figure was 51%.
[27] Social and Cultural Planning Office (SCP): Tijdsbestedingsonderzoek 1995.
[28] Usually meaning that the man works full-time and the woman part-time.
[29] Meaning that both partners work part-time (e.g. ¾ of a full working week), both have family care responsibilities and some care activities are 'bought in'.

pays 35% of the cost (including tax concessions), parents 44% and employers 21%. In view of the importance which it attaches to this tripartite funding structure, the government will continue to hold the social partners to their responsibility for organised childcare. The number of collective labour agreements containing provisions on the subject has increased from 60% to 67%. In 55% of them, there are concrete arrangements. In the period covered by the previous report, most of the arrangements in the collective labour agreements were for the care of children under the age of 4. Now, half of the agreements include provisions on the care of children of primary school age (4 - 12).

Extra places

The 1998 Coalition Agreement included proposals to step up policies on organised childcare. These proposals were worked out in greater detail in a policy document published in June 1999. Among other things, the Coalition Agreement had made extra funding available for the further expansion of organised childcare. Under the regulations adopted in September 1999 on this subject, multi-year funding was awarded to almost all the local authorities for the creation of 71,000 extra places for children of 12 and under by the end of 2002. In order to eliminate waiting lists for day care and out-of-school care, the number of extra places was set rather higher than the Netherlands Bureau for Economic Policy Analysis (CPB) had thought necessary in its 1999 macroeconomic forecasts for the current period of government. The extra places will increase capacity for children under the age of 12 from around 90,000 full-time places in 1997 to approx. 160,000 in 2002. Given that many of the parents concerned work only part-time, each full-time place can accommodate almost two children. Extra resources have been set aside to maintain the pace of expansion and encourage longer opening hours.

Following on from organised childcare for children under the age of 12, the government has now embarked on the development of facilities for 12 to 16-year-olds. In 1999 it granted 67 funding applications from local

authorities for innovative projects in this new field. These projects will run from mid-1999 to mid-2003 (or earlier) and are being supervised by the Netherlands Institute for Health and Social Services (NIZW).

Fiscal measures

1996 saw the introduction of tax concessions for employers. In 1999 this was increased from 20% to 30% of the net cost of childcare provision.

In addition, an extra NLG 50 million is being made available for fiscal measures reducing the parental contribution from 2000 on. This will mainly benefit the lower and middle-income groups.

Part-time work

Apart from the Working Hours (Adjustment) Act (see under LEVEL 1 above), some collective labour agreements also contain provisions on part-time working. On 10 October 1997, the Labour Foundation (which includes representatives of both sides of industry) issued recommendations once again calling on the two sides to establish such provisions in collective labour agreements or at individual company level. Research by the Labour Inspectorate (part of the Ministry of Social Affairs and Employment) has shown that 64% of the collective labour agreements it examined in 1998 included provisions allowing workers to request a switch to part-time working or to extend their working hours[30]. However, only 19% of collective labour agreements give workers a real basis on which to achieve their wish to change their working hours. For this and other reasons, the government sees due cause to create an individual right to modification of working hours. This right is, however, conditional. An employer can refuse a request for a change in working hours if granting it would seriously jeopardise the employer's interests. The right came into force on 1 July 2000. Organisations employing fewer than 10 workers are exempted,

[30] *Deeltijdarbeid in CAO's. Een onderzoek naar de rechtspositie van deeltijders en deeltijdbevorderende bepalingen in CAO's*, Netherlands Ministry of Social Affairs and Employment, February 1999. This study of the rights of part-timers reflects the position on 31 December 1998.

although they are expected to make their own arrangements for workers' rights of this kind.

Longer-term paid carer's leave

Longer-term carer's leave is to be the subject of a detailed study conducted in consultation with the Ministry of Health, Welfare and Sport and in co-operation with the Social and Cultural Planning Office and the CPB. This is scheduled for completion by the end of 2000 and will be followed by a cost-benefit analysis carried out by the CPB. The results will be available by the end of 2000.

Self-employed people and leave

The government is investigating whether measures should and can be taken to provide carer's leave arrangements for self-employed people in addition to the existing pregnancy and maternity benefits and future provision for adoptive parents. This involves looking at the problems experienced by the self-employed in combining paid work and care and identifying possible solutions. In July 2000, a survey was completed of best practice among small and medium-sized enterprises in solving the staffing problems that may occur as a result of part-time work and long-term leave.

Lone parents and work

The government thinks it is important to get lone parents (usually mothers) off benefits and into work. With this in view, it is making various investments. For example, childcare facilities are being greatly expanded and local authorities can draw on a special budget available for day care and out-of-school care for children of lone parents on benefits. From 2000, this has been raised from 92 to 125 million guilders.

Study on the Women's Convention, motherhood, parenting and paid work

The Ministry of Social Affairs and Employment commissioned a study on the significance of the UN Women's Convention in relation to women's paid work and care responsibilities. This extensive study was conducted by W.C. Monster et al. under the aegis of Nijmegen University and led in 1998 to the publication of a report (*Vrouwenverdrag, moederschap, ouderschap en arbeid*). This found that the Women's Convention was extremely useful in setting standards and providing a stimulus for legislation and policy-making on the protection of women as expectant mothers and as parents, but also identified a number of problems and made recommendations.

The government response to the report pointed out that the dynamic nature of the convention means that social trends and changing views may lead the Dutch government to adopt alternative measures or measures supplementary to those first envisaged at the time when the convention was approved. The government does not agree with the authors of the report that Dutch legislation to protect women as expectant mothers and as parents fails to meet the standards set in the Women's Convention. Their conclusions are based on the assumption that the convention imposes a duty on states to take particular concrete measures (which they define in the report). The government believes that the convention actually gives states greater policy freedom than the report suggests.

At the end of the report, the authors recommend a number of measures to facilitate the combination of paid work and care. These relate to four areas: changes in working hours, co-ordination of working hours and parental duties, arrangements for carer's leave and provision of organised childcare. The government has indicated that it recognises the importance of these recommendations, not only in providing support for existing government policies on paid work and care, but also as a source of inspiration in formulating future policies and measures in this area.

Improving the employment and economic status of women

General policies on employment

Over the last two decades, the Netherlands has experienced rapid employment growth, partly reflecting international trends. This has particularly benefited women. Between 1990 and 1998, female employment increased by 31% and male employment by only 10%. In other words, 63% of the additional jobs over the period went to women (as against 37% to men). This brought the female employment rate to over 50% in 1999.

Even so, the level of employment among women (measured both in numbers of workers and hours worked) is still lower than among men and there is therefore considerable economic under-exploitation of the potential female labour force.

The Dutch government - and the Ministry of Economic Affairs in particular - will continue vigorously to pursue policies directed at economic reform and innovation, such as have so far proved successful in creating new jobs and raising the standard of living in the country. In the future as in the past, the pursuit of these policies can be expected to make a substantial contribution to increasing employment among women.

Female entrepreneurs

The Businesswomen and Banks project ended in December 1998 with the presentation of a final report listing the following achievements:

- 5 information meetings and 7 workshops organised for businesswomen and bank staff in various places around the Netherlands;
- production of a brochure for businesspeople giving information on how banks work and tips for preparing meetings with bank officials;
- development of a quality assessment tool for banks to use in monitoring satisfaction among their clients generally and female clients in particular;

- wide coverage of the project in the national and local media, bringing the topic to the attention of the general public.

The project deliverables are now in the hands of six organisations providing support for entrepreneurs starting up or re-launching businesses in their local areas.

As it happens, research has since shown that women actually experience fewer problems with banks than men (see section 1a. Present position, *Female entrepreneurs*).

New tax system

One of the explicit aims of the 2001 reform of the tax system is to promote emancipation and economic independence. For this reason, the Ministry of Finance commissioned an emancipation impact assessment as part of the systematic study already carried out on taxes in the 21st century. The assessment revealed that the new tax system (a bill on which was presented to parliament in September 1999) will make several definite improvements in the position of women. For example, an individual tax credit rather than the present transferable basic allowance based on the breadwinner model. Likewise, women's financial independence will be increased by features such as the introduction of the concept of the fiscal 'partner' (under which unmarried people can choose whether or not to be regarded as partners) and the fact that joint income and deductions will no longer automatically be ascribed to the partner with the higher income. In addition, the proposed new system will introduce concessions for households or individual taxpayers with one or more children under the age of 12.

'New Opportunities for Women'

A number of projects specifically directed at women are being carried out under the ESF subsidy scheme entitled 'New Opportunities for Women'

(NOW). NOW is part of the European Community Initiative on Employment and is scheduled to run from 1995 to 2000. NOW projects are funded partly out of Community resources and partly out of mainstream national funds, sometimes supplemented by private-sector money. The aim of NOW is to improve labour market opportunities for women by means of innovative experiments, some based on co-operation with organisations in other Member States. They are designed to be of particular benefit to women who are 'far removed' from the labour market: lone mothers on benefits, ethnic minority girls and women without work experience, and women at or towards the lower end of the labour market. Over the 1995 - 2000 period, a total of 46 NOW projects have been carried out in the Netherlands with subsidies amounting to NLG 31.4 million. The majority of these projects have targeted lone mothers on benefits and have focused on social activation. The projects generally adopt a broad, holistic approach to the problem and respond to the fact that lone mothers experience countless barriers to entering/re-entering the labour market: a subject attracting particular interest in view of the new obligation for lone mothers on benefits to seek paid employment. Apart from the difficulty of combining paid work and parental responsibilities, major obstacles often include inadequate (relevant) work experience, lack of up-to-date training and psychological problems resulting from personal circumstances and/or family stresses. Another major priority of the NOW scheme is to encourage women to start their own businesses, for example in the personal services. In addition, several projects aim to encourage women and girls to move into technical or ICT-related occupations. See, for example, the Women and Technology Plan of Action discussed below.

Women in engineering and technology

The aim of the Women and Technology Plan of Action 1995 - 1998 was to increase the number of girls and women in engineering and technology by 7000 a year. Under it, the ministries of Economic Affairs, Education, Culture & Science and Social Affairs & Employment supported a range of projects starting in 1995 and ending in 1998 or before. In 1999 a final

report was produced on the whole exercise and this was presented to parliament in 2000.

Findings included the following:

- The Plan of Action achieved its aim: the number of women in technical occupations increased by 19,000.
- Projects directed at recruiting both sexes into engineering and technology attract greater support than ones directed only at women. It is important, however, to pay attention to issues specifically affecting women.
- Both educational institutions and companies give low priority to emancipation projects, however anxious they may otherwise be to recruit trainees or employees. Success frequently depends on the energy and commitment of a handful of people and projects are therefore difficult to institutionalise.
- Girls enjoy technical activities which are specially organised for them but such activities do nothing to improve their attitude to technology in general and engineering and technology courses in particular. The educational institutions will have to focus on this themselves.[31]

Equal pay

The 'uncorrected' pay differential between men and women is only slowly being eroded. Research conducted by the Labour Inspectorate into the position of men and women in private sector employment shows that women earn on average 23% less than their male colleagues. This pay differential is connected to the differences in the work they do and in their personal characteristics. After correcting for these differences, the remaining gap is 7%. This may be due to sex discrimination but other factors may also be involved. In August 2000 the Labour Inspectorate completed another study on pay differentials between full-time and part-time staff in the public and private sectors. This revealed a slight corrected pay differential between full-timers and part-timers. In the private sector,

[31] See Chapter 7 on article 10.

part-timers earn 3% an hour less than full-timers, irrespective of the extent of their part-time working. In the public sector, the pay differential is greater for part-timers working only a small number of hours: 3%, as compared to 1% in the case of part-timers working something closer to a full working week. The corrected pay differentials may be the result of a failure to take certain background characteristics fully into account, or there may indeed be pay discrimination.

In May 2000 the government presented to parliament Plan of action on equal pay. This announced a number of measures. The basic principle is that both sides of industry should take clearer responsibility for equal pay. Action is to be taken to increase awareness and expertise and a quality assessment tool is to be developed which system holders, social partners and government can use to ensure that their own job evaluation systems are gender-neutral. The supervisory committee included not only officials from the Ministry of Social Affairs & Employment but also representatives of the Equal Treatment Commission, the social partners and the system holders.

Trends in equal pay will continue to be monitored on a regular basis.

Pension provision

The Ministry of Social Affairs & Employment has investigated the potential results of different company pension schemes and the difference in these for men and women. By ensuring that the study takes account of new patterns of employment (e.g. the effects of flexible contracts of employment, career breaks and parental leave), the government hopes to assess the effect of its policy intentions on women's pensions. Employers without pension schemes have been shown to have a particularly adverse effect on women's position in this regard. The results of the study are expected to be published in 2000.

The government is also examining the possibility of introducing a statutory scheme to ensure universal blanket coverage by company pension schemes, so that all workers with contracts of employment will be covered by new occupational pensions and none will be excluded from building up pension rights. A scheme of this kind would do much to improve the position of women as regards pensions.

Jobs for the 'hard to place'

At the beginning of 1999, the total of 658,000 registered unemployed job-seekers included 322,000 women. During that year, the manpower services helped a total of 150,000 unemployed job-seekers to find work, 72,000 of them women.

In the past there have been general measures to help categories of job-seekers who are relatively 'far removed' from the labour market. These can be divided into reintegration schemes and subsidised work placements. The needs of job-seekers entering the labour force via reintegration measures or subsidised work placements will be taken into account when drafting the Basic Childcare Provision Bill.

The Job-seekers Employment Act offers the long-termed unemployed the chance of a job or work experience placement. In 1999 and 2000, the budget for training and activation under the Act was NLG 348 million.

There is also a project targeting new job-seekers aged 23 and over[32] who have registered since 1 January 1999, are available for work for at least 12 hours a week and need help in finding work. The target group includes unemployed people without any entitlement to benefit (a category which includes many women), provided they have registered as looking for work. The entire target group is to be approached by the end of 2002.

[32] Those under 23 were already assisted before 1999 via the Job-Seekers Employment Act and its predecessor.

Another measure is a result of the agreement included in the 1994 Coalition Agreement to create 40,000 extra jobs in specific parts of the public sector. In 1998, the new government agreed to maintain this policy and to step up the number of jobs from 40,000 to 60,000. The aim of the scheme was originally two-fold: to reduce long-term unemployment and to improve public services. These aims were later supplemented by a third: to encourage movement through into unsubsidised jobs. This encouragement takes the form of incentive payments and promotion prospects in the form of subsidised jobs demanding higher skills and offering appropriately higher pay. Central government provides a subsidy sufficient to cover wage costs. In the first year, pay is between 100% and 103% of the statutory minimum wage. After that it may increase to 130% of the statutory minimum wage for basic job creation placements and 150% for promotion placements. On average, 45% of basic placements outside the care sector and 73% of such placements inside that sector are taken by women. The latter percentage is in line with the high proportion (77%) of female staff in the care sector generally.

Finally, reference may be made to the Employment Scheme being implemented by the Ministry of Social Affairs & Employment and specifically targeting the hardest to place. Over the 1995 - 2000 period, a total of 155 experimental projects were run - in co-operation with partner organisations in other EU Member States - in an attempt to identify innovative solutions to intractable labour market problems and so to increase job opportunities for the relevant categories of the unemployed. Subsidies totalling around NLG 134.7 million were made available for this purpose.

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

Greater gender equality in the distribution of paid work and care could also be achieved via the 'contracting out' model, under which full-time work would remain the norm and care activities would generally have to be contracted out (i.e. services bought in) if parents wanted to remain in

proper paid employment. Research has repeatedly shown that men would ideally like to spend fewer and women more hours on paid work than is now the case. For this reason, the aim of Dutch policy is to achieve the 'combination model'.

The basic idea of this model is that workers at a time of life when they have heavy family responsibilities can work rather fewer hours and so provide part of the necessary care themselves (helped by special leave schemes) while contracting out the rest (to organised childcare facilities and home care services). Averaged over an entire working life, the working week will total 30-32 hours, with more hours being worked at some stages and fewer at others.

From the government point of view, the basic principle is that people of both sexes should retain life-long economic independence. Consequently, the main aim of government is to create the necessary conditions to enable individuals to achieve a combination of paid work and care - and so retain their economic independence and earning capacity - at times in their lives when they have heavy care responsibilities.

A crucial (and internationally unique) feature of this kind of combination model is that it entails an equal rights strategy whereby men as well as women adapt to their changing social and economic circumstances. Because men as well as women will tend to switch more frequently to part-time working, the model may produce a cultural revolution in the workplace: the elimination of the 'dominant gender ideology' that full-time work is 'normal' - because it is what men do - and part-time work is an aberration.

Project on the combination of care and paid work

Encouraging the trend towards a more equal distribution of paid work and care will require new forms of co-operation and a new ordering of time and space. To achieve this, the Minister and later the State Secretary for Social Affairs & Employment set up a special project to produce proposals to help

both sexes combine paid work and care in new ways. In view of the uniqueness of this project, it will be discussed at length in a separate annex to this report (see annex 2).

Glass ceiling

The term 'glass ceiling' has gained global recognition as a description for the phenomenon by which women remain excluded from top decision-making posts in both the private and the public sector. In the Netherlands its existence is demonstrated by the very small percentage of women in top positions in government, politics, industry and academia. Government has been trying for some time to help eliminate the 'glass ceiling', for example by funding initiatives like Toplink and Opportunity in Business. A range of different government departments (Education, Culture & Science; Agriculture, Nature Management & Fisheries; the Interior & Kingdom Relations, and Transport, Public Works & Water Management) have formulated aims and tasks to this end.

In the last Coalition Agreement, the present government announced that a special effort would be made in this respect during its current term in office. Accordingly, success factors and reasons for failure are being identified, transfers of knowledge, experience and good practice are taking place in the various sectors (industry, academia, politics and public decision-making) and new initiatives are being encouraged. A wide range of policy efforts have been initiated.

In late 1999, a Dutch delegation visited the United States at the invitation of the State Secretary for the co-ordination of Emancipation Policy. A major finding resulting from this visit was the importance of corporate culture in determining the ability of women to achieve promotion to top posts. The University of Amsterdam has now been commissioned by the Department for the co-ordination of Emancipation Policy to conduct research on the potential for influencing the corporate culture of senior management in

order to improve the prospects of women reaching top-level posts in organisations.

Together with the Minister of Economic Affairs, the State Secretary for the co-ordination of Emancipation Policies has taken the initiative of organising a roundtable conference on the problem with the social partners and representatives of the private sector and various sections of society. The main aim of this exercise is to develop ideas and set the agenda for key figures in various sectors of society. With the same aim in mind, a meeting of experts is being organised concerning the elimination of the 'glass ceiling' in political life and public administration.

In 2000, the elimination of the 'glass ceiling' is one of the themes within the emancipation grants policy and the movement of women into top positions will be the theme of the Emancipation Yearbook.

CHAPTER 9 Article 12: Health care and welfare

LEVEL 1: PRESENT POSITION

As a rule, people in the Netherlands in need of medical care will always receive it, even if they have no way of meeting the costs. However, the principle is that everyone is personally responsible for paying individual or institutional health care providers for the care received. This is also the case where women receive care during pregnancy, confinement and the postnatal period. Women who are insured or co-insured under the Health Insurance Act have a right to receive care at the expense of the General Fund established under that Act. This includes care during pregnancy, confinement and the postnatal period. Women with other forms of health insurance are entitled to have the costs of medical care reimbursed in accordance with the conditions of their particular insurance policies.

About 60% of the Dutch population are insured under the Health Insurance Act, about 5% under compulsory schemes for civil servants, and about 35% under private insurance schemes. Women without medical insurance and unable to pay for medical care they have received can apply to have the costs met out of social assistance funds. Women who have no legal right to reside in the Netherlands under the terms of the Aliens Act are excluded from this right. However, any care provider supplying them with care during pregnancy, confinement and the postnatal period can be reimbursed from a special fund (Stichting Koppelingsfonds).

The Netherlands keeps accurate, up-to-date statistics on the health of its population. One of the main publications in this respect is the four-yearly public health forecast (Volksgezondheid Toekomst Verkenningen) issued by the National Institute of Public Health and the Environment. The next such forecast is due in 2002. The publication includes material on the health status of the population and factors determining this, and looks at the differences between men and women. Reports are also issued by the Health Care Inspectorate on the state of the health services and access to

care (under the title Staat van de Gezondheidszorg) and by the Social and Cultural Planning Office (whose reports invariably contain material on aspects of health and care services).

LEVEL 2 : TOWARDS DIVERSITY

Steering Group on Women's Health Services

The Steering Group on Women's Health Services was appointed by the Minister of Health, Welfare and Sport in 1996 and presented its final report and policy recommendations (entitled Naar een seksespecifieke en multiculturele gezondheidszorg) to the same Minister at a closing ceremony on 24 March 1999.

The Steering Group included representatives of various country-wide organisations (such as the Association of Dutch Health Insurers and the Dutch Federation of Patients/Consumers) as well as of central, regional and local government.

The work of the Steering Group included:

- making policy recommendations to the Ministry of Health, Welfare and Sport in a series of five separate reports on: sex-specific training for doctors; the inclusion of women's health services in regional care policies; women's health services and policies on quality assurance; the place of women's self-help within mainstream health services, and the sex-specific needs of patients/consumers.
- a regional publicity campaign under the motto 'Good health care is sex-specific', sponsored by a number of well-known celebrities.
- advising the Minister of Health, Welfare and Sport, the Health Care Inspectorate and others both on request and on the Steering Group's own initiative. In addition - with a view to the general elections in 1998 and the provincial council elections in 1999 - the Steering Group provided the political parties with information about the value of sex-specific care services within mainstream health and social services.

In the three years of its existence, the Steering Group helped to boost support for the integration of sex-specific care services for women. The Steering Group's structure and the way it conducted its activities were designed to encourage the adoption of a top-down approach: to ensure the integration of sex-specific ideas at the policy level and at the same time to convince the authorities, politicians, financiers and managers of the value of sex-specific services in improving the quality of health care provision.

The Steering Group's final report and policy recommendations (published in March 1999) conclude that its work was successful in:

- creating interest in and support for the provision of sex-specific services
- considerably increasing the number of people involved
- recruiting sponsors for the Steering Group's publicity campaign and thereby demonstrating that various organisations are prepared to express their appreciation of the value of sex-specific services for women in terms of financial assistance.

However, the Steering Group points out, it takes time to win hearts and minds. The task is not yet complete and sex-specific services are not yet integrated into the structure of health and social service provision. For this reason, its final report makes policy recommendations for follow-up action:

- broaden out the concept of women's health services to include sex-specific services for both men and women: the relevance of gender (both male and female) should be consistently reflected in all aspects of health policy
- link to ethnicity: in a multicultural society, health policies should link gender and ethnicity
- intensify the top-down approach.

Sex-specific care services

In June 1999, the government's policy plans for sex-specific care services were recorded in a letter from the Minister of Health, Welfare and Sport to

the Dutch parliament. The Minister wrote that the policy on 'sex-specific services' would be continued over the next four years by:

- maintaining the national support structure, in particular TransAct (the Dutch centre for gender-specific care innovation and combating sexual violence) and the Women's Self-Help Federation;
- developing a programme of 'sex-specific care and prevention', including implementation, research and women's self-help activities, in the hands of the Dutch Organisation for Care Research;
- establishing an intra-ministerial task force on gender and ethnicity;
- appointing as successor to the Steering Group a committee of experts on gender and ethnicity in the health care field.

These policy plans are based on the final recommendations of the Steering Group on Women's Health Services.

That report and the policies based upon it also take account of the results of the in-depth study carried out into the significance of article 12 of the Convention for the Netherlands and subtitled 'Health as a right'. A summary of these results was annexed to the second report to CEDAW.

Elderly women

General Dutch policies on the elderly include a particular focus on the position of the growing population of elderly women, who tend to outlive their male counterparts by an average of six years. By 2010, the Netherlands will have 2.5 million women aged 55 and over, 433,000 of whom will be aged 80 or over. By the time they reach the upper end of this age bracket, the vast majority of these women will have lost their male partners.

The Ministry of Health, Welfare and Sport has subsidised a large-scale nation-wide project (known as 'Growing old my way') addressing in various ways issues that affect women as they grow older. In three sub-projects, women have worked together to improve welfare, health and social

services for elderly women. One of the unusual features of this project is the way in which work began on the implementation of its products even while the project was still going on. Organisations were found to adopt all the products developed. These adopting organisations (the three associations of senior citizens and Transact) reached agreement on how they would take over and continue the work of the project. The Ministry has granted a small subsidy for a national information and co-ordination centre to take care of follow-up to the project and there is to be a project evaluation.

There has also been a special 'Pendula' project focusing on elderly women from ethnic minorities. Experience has been gained in five different places with the use of 'intermediaries': women at the lower end of the 55+ age spectrum who help to mediate between elderly women from ethnic minorities and the rest of society.

Elderly lesbians

Policies on the care of the elderly take account of the needs of elderly lesbians by focusing on demand and promoting privacy and quality of life. People living in Dutch residential homes for the elderly have traditionally enjoyed an automatic right to live their lives as they see fit. This rules out any possible impediment or discrimination on grounds of sexual orientation.

By contrast, in nursing homes the survival of many multi-bedded rooms (often accommodating 3 or 4 people) sets severe limits on the extent to which privacy can be guaranteed and enjoyed. The aim, however, is to replace all 3 to 6-bedded rooms in nursing homes by 1 and/or 2-bedded rooms within the foreseeable future. This is paralleled by a programme designed to optimise the personal treatment of patients by staff on the basis of respect for patients as individuals, even when they are in need of nursing care.

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

Women with disabilities

Research[33] shows that an increasing number of young women are receiving benefits under the Invalidity Insurance (Young Disabled Persons) Act. These are available only to disabled people who have never been in paid employment. A small proportion of the young women involved have congenital disabilities but a larger proportion have mental illnesses or disabilities which have never been properly recorded or diagnosed. People in this situation often have to live on minimum incomes and are at severe risk of social exclusion and loss of self-respect.

For this reason, the government - and more especially the Minister of Health, Welfare and Sport - believes that it is extremely important to focus attention on attitudes among and towards disabled women in the health and welfare fields. Indeed, the government feels it is important to focus on the position of all women with disabilities, and not only those currently receiving disability benefit. As part of its policies on the disabled, the Ministry of Health, Welfare and Sport is continuing to provide financial support for projects designed to improve attitudes among and towards women with disabilities. A survey, devised in close consultation with the target group, is to be conducted among such women in the second half of 2000.

The central issues in the survey are how women with physical disabilities see their position within society, what obstacles and problems they encounter and what can be done to improve their lives. The study is intended to produce concrete recommendations for practical projects directed at eliminating obstacles confronting women with disabilities, especially in the health and welfare field. It is hoped that it will also have the positive side-effect of increasing understanding and awareness of the

[33] Economisch Statistische Berichten, 19 March 1999, p. 217-218.

particular social difficulties of those grappling with the combined handicap of being a woman and having a physical disability.

Elderly lesbians

Following the publication of the 'Old Rose' research report, the Ministry of Health, Welfare and Sport has commissioned the Netherlands Institute for Health and Social Services (NIZW) to organise a number of expert meetings on ways of increasing the involvement of lesbian women - and more especially elderly lesbians - both in the more traditional women's and senior citizens' organisations and in the more feminist and gay organisations. Under the aegis of the SAD-Schorer Foundation, the feminist and gay organisations have now taken steps to improve the position of elderly lesbians. The traditional women's and senior citizens' organisations have generally displayed a more reserved attitude and are not expected to embark on follow-up activities without an external spur. Nor are municipalities (with a few exceptions) pursuing active policies on gay rights. Most local and provincial authorities regard this area as fairly marginal to their policy concerns. Problems linked to homosexuality are generally addressed within the general area of policies on social disadvantage and exclusion.

For this reason, the Ministry of Health, Welfare and Sport is currently subsidising two projects being co-ordinated by the COC (Dutch Association for the Integration of Homosexuality) with a view to improving matters in this respect. The first of these is providing support for local policy-makers who see gay rights as a relatively minor part of their overall responsibilities. The aim is to join forces by establishing a network of local policy-makers who are active on gay issues in order that they can provide mutual support and inspiration. Among other things, the project includes the production of a policy newsletter.

The other project being co-ordinated by the COC has two aims. The first is to establish social networks among lesbians aged 55 and over and among

homosexual men aged 75 and over. The second is to improve access to health and welfare services and local political life for lesbians and gays aged 55 and over. The project enjoys broad support. It is the product of an initiative by the national platform representing elderly gays and lesbians (which is supported by a number of gay and lesbian organisations) and the National Bureau against Age Discrimination is also involved. The project is being piloted in four local authority areas and a manual is to be produced describing its aims, approach and results and thus offering health care and service providers, local authorities and gay and lesbian groups elsewhere in the Netherlands the opportunity to apply the various methods in their own local contexts.

CHAPTER 10 Article 14: Women in agriculture

LEVEL 1: PRESENT POSITION[34]

The agricultural industry in the Netherlands features large numbers of family businesses. The workers in these businesses include both family and non-family members. Family members can be categorised as: heads of businesses, spouses, children and other resident or non-resident relatives. The table below shows changes in women's work patterns in Dutch agriculture and horticulture over the 1995-1998 period.

Number of female workers in agriculture and horticulture

Numbers of women	**1995**		**1998**	
	Total	Working at least 20 hours a week	Total	Working at least 20 hours a week
Family members	70,227	37,340	69,369	40,368
Heads of businesses	20,016	13,569	25,530	18,472
Spouses	46,477	22,812	37,633	20,226
Children	2,960	702	4,644	953
Other resident/non-resident relatives	774	257	1,562	717
Non-family members	16,701	11,002	29,842	14,290
Total workers	**86,928**	**48,342**	**99,211**	**54,658**

The table shows an increase in the number of women working in agriculture and horticulture between 1995 and 1998. The increase is mainly due to an upward trend in the number of non-family female workers. CBS figures also show an increase of almost 30% in the number of non-family female workers employed for more than 20 hours a week between 1995 and 1998. Over the same period, the number of female heads or co-heads

[34] Information from CBS (*Land- en tuinbouwcijfers 1999*) and from a study entitled *Labour situation and strategies of farm women in diversified rural areas of Europe* by G. Overbeek, S. Efstratoglou, M. Haugen and E. Saraceno (Brussels, Commission of the European Communities, Directorate General of Agriculture, 1998).

of businesses also went up, while the number of wives assisting their husbands went down.

One explanation of the increasing number of women workers and declining number of assisting wives is that a proportion of the latter have become heads of businesses, generally in partnership with their husbands. A second major cause is the decline in the number of businesses, combined with an increase in the size and manpower requirements of the remainder. Women are increasingly helping to meet the rising demand for manpower. The decline in the number of businesses and associated increase in the size of the surviving enterprises is a consequence of conditions favouring those which obtain all their income from agriculture and penalising those which do not. These conditions include current agricultural policies, land-use planning practices, terms on which investment finance is available, the culture within the industry and the wish to pass on viable businesses to the next generation.

The increasing number of women working in Dutch agriculture and horticulture does not, however, automatically mean that more farming women in the Netherlands have achieved economic independence. Unlike non-family workers, women working in family businesses are not generally paid for their efforts.

The employment prospects of farming women are very different from those of other women in rural areas, in that most of them are less well equipped to meet the demands of the labour market outside the family business. Although farming permits them to combine paid employment and family care responsibilities in a flexible way, younger women would like to make more strategic use of their skills and qualifications. Despite the greater influence of vocational training on women's career strategies, their skills and qualifications are frequently under-exploited because the unequal division of family responsibilities and domestic chores is still very largely unquestioned and agricultural enterprises still generate sufficient income without any change in role patterns.

LEVEL 2 : TOWARDS DIVERSITY

The emancipation policies of the Ministry of Agriculture, Nature Management and Fisheries feature three key aims: to integrate women into decision-making and consultative bodies in all areas for which the Ministry is responsible; to achieve economic independence for women active in these areas, and to increase the influence of women on the use, land-use planning and management of rural areas.

Women on committees and in advisory positions

The aim is to achieve at least 30% female membership of all committees and bodies in the areas for which the Ministry is responsible. Although this has not yet been achieved in all cases, the target figure for the 2001-2003 period has now been raised to 35%.

Female membership of committees and consultative bodies established before and after 1996:

Establish-ment date	Number of bodies	Membership			Number of bodies with women members	Number of bodies with >30% women members
		total	female	%		
Before 1996	15	299	25	8	13	0
After 1996	11	89	27	30	9	5
Total	26	388	52	13	22	5

The Minister has recently given a commitment to consult organisations representing rural women whenever vacancies arise on existing or new committees or in other bodies. Through their networks, these organisations may be more readily able to identify suitable female candidates.

To mark the award of the Ministry's annual Emancipation Prize, a workshop was held to gather ideas on getting more women onto committees and consultative bodies. These ideas will now be developed further.

Funds from the Ministry's emancipation budget were used in 1999 to finance two projects designed to increase the numbers of women on committees and in consultative bodies. These were directed at giving (mainly young) women education and training designed to increase their experience of and/or background in administration. At the same time, an information programme directed at women active on committees was developed in 1998 by the Agricultural Information Service and the Agriculture and Horticulture Organisation at the request of the Ministry. This programme went into operation in 1999.

Land-use planning in rural areas

To increase the influence of women on the use and management of rural areas, the Ministry is financing various education, training and public information projects.

The project set up by the Ministry of Social Affairs and Employment to facilitate the combination of work and family responsibilities is also taking and subsidising initiatives designed to open up the countryside and increase the availability of services in rural areas. A description of this project is included as an annex to this report. To link the results of the project to rural development, the Ministry of Agriculture, Nature Management and Fisheries has set up a special unit to run various pilot projects designed to identify specific social infrastructure needs (services and access) in rural areas.

Education and training

An activity designed to achieve all three aims described above is the development of a specific programme of courses and public information material aimed at women involved in agriculture or living in rural areas. The Ministry had conducted surveys on the need for information and training among women in agriculture, the position of women in the rural recreation industry, the position of women in the fishing industry and, finally, on the fiscal, legal and economic position of women in agriculture.

To increase take-up of extension opportunities by women involved in agriculture or living in rural areas, the Ministry offered to make approx. NLG 2.5 million available to relevant women's organisations and information and training providers, provided they developed a joint programme of information and training. This led in 1999 to the launch of a joint programme of 'tailor-made' information and training opportunities.

Research

Women in the fishing industry

The Ministry of Agriculture, Nature Management and Fisheries has conducted research on the role, position and ambitions of women in the Dutch fishing industry. This showed that fishermen's wives have important tasks and responsibilities within family fishing enterprises. Ninety-one per cent of them have at least one role in the family firm, almost always relating to work on dry land or on the boat when it is in port. Fourteen per cent are co-owners of the family firm and sixty per cent play a role in management discussions or decisions. Their work is generally informal and therefore not reflected in official figures. One of the recommendations emerging from the study is that information should be provided on possible legal, fiscal and financial arrangements for wives assisting in this way in family businesses. Another is that the women should be assisted in setting up a network amongst themselves.

Fiscal, legal and economic position

Elsewhere in this report it has already been noted that incomes in the Netherlands are increasingly individualised. Women are making a greater contribution to the family income and are capitalising on their contribution by accumulating their own assets in terms of goods and property and by making their own pension arrangements. The question is how far this is occurring in the agricultural and rural recreation field among women who are legally responsible for rural enterprises, either directly or indirectly through their partners. The Ministry has commissioned research on the incomes, pensions and assets of self-employed women in agriculture and rural recreation. The results of this study on the fiscal, legal and economic position of such women will be presented in the course of 2000. Should the results justify it, the Ministry will then devise new measures to increase the economic independence of women in this position.

CHAPTER 11 Article 16: Law of persons and family law

LEVEL 1: PRESENT POSITION AND LEGISLATIVE MEASURES

1a. Present position

The law of persons and family law now accord equal treatment to men and women. The Netherlands government now intends to focus on strengthening the position of individuals with a partner of the same sex. This is consistent with the stance taken by the Netherlands at the 23rd Special General Assembly of the United Nations on the evaluation of the Beijing Platform for Action (5 to 9 June 2000). In an interpretative declaration, the European Union stated in Beijing that, according to the European interpretation, sexual rights, which include the right of sexual preference, are implicit in the Platform for Action and constitute an integral part of women's human rights. The European Union reiterated this view upon accepting the final declaration of the United Nations Special General Assembly.

1b. Legislative measures

Marriage between persons of the same sex

Parliament is debating a bill allowing marriage between two partners of the same sex. Under the present law, marriage is allowed only between people of the opposite sex. The rules on the contract and annulment of marriage, and on the impediments to and consequences of marriage, will apply as far as possible to marriages between people of the same sex. Two important differences, however, concern the relationships between the parties to the marriage and any children involved, and international aspects of marriage.

The law of parentage that applies in heterosexual marriages will not apply in marriages between partners of the same sex. This means, for instance, that a child born during a marriage between two women will not

automatically have a family-law relationship with the partner of its biological mother. If the bill on adoption by persons of the same sex is enacted, it will be possible to formalise family-law relationships through adoption.

Another difference concerns the international aspects of a marriage between partners of the same sex. Married partners of the same sex may experience practical and legal problems in countries where their marriage is not recognised or where the consequences of a homosexual marriage are different from those of a heterosexual marriage.

The institution of registered domestic partnership, which was introduced on 1 January 1998, will continue to exist, even once homosexual marriages are allowed. The bill allows the conversion of registered domestic partnerships into marriages and vice versa. Five years after the bill becomes law, trends in homosexual marriages and registered partnerships will be analysed.

Adoption by partners of the same sex

Parliament is also debating a bill on the adoption of children by partners of the same sex. Dutch law does not allow this arrangement at present, nor may a child be adopted by its father's male partner or its mother's female partner. The bill aims to change this situation.

The bill applies only to the adoption of children in the Netherlands; it makes no provision for intercountry adoption.

The bill further proposes a new condition for adoption, over and above the conditions that apply now, viz, that there is no prospect of a relationship between the child and its natural parents/the child has no prospect of a future with its natural parent or parents.

Intercountry adoption

The Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption, signed in The Hague on 29 May 1993, entered into force in the Netherlands on 1 October 1998. In line with the Convention, Dutch legislation on intercountry adoption, introduced inter alia in implementation of the Convention, allows only married couples or one person (either married or unmarried) to adopt children from abroad. Hence, though the envisaged legislation will widen the scope of adoption law within the country, it does not extend to intercountry adoption.

The law on names

The law on names will not be amended in connection with the new legislation allowing same-sex marriage. Under the present law, a woman who is or has been married may use her husband's family name before, after or instead of her own family name. The same applies to men. Under the new legislation, it will likewise apply to the partners to a same-sex marriage.

As noted in the second report, the law on names was amended as of January 1998. If a child has two legal parents, the parents may decide which of their family names the child shall bear. Adoptive parents may likewise give the child one or other of their family names. However, the law does not provide for cases where adoptive parents fail to choose a name. The bill on adoption by partners of the same sex does provide for this contingency, but otherwise conforms to the existing system as far as possible. If the adoptive parents are married and have not chosen a family name, the child is given the father's family name. If they are not married, the child keeps its own name. At present, a step-parent who adopts his/her partner's child may not choose a family name for the child: the child keeps its own family name. Under the new law, however, step-parents who adopt will also be able to choose the child's family name. In such cases, too, if they fail to do so, the child keeps its own name.

LEVEL 2: TOWARDS DIVERSITY

Experiments with mediation in divorce cases

The experiments with mediation in divorce cases announced in the second progress report were approved by Parliament, and began operating at the end of 1998. They are currently being carried out by nine district courts in various parts of the country, and are scheduled to run until 31 December 2000. A report on the outcome of these experiments is expected in the spring of 2001.

The aim is to see whether mediation offers adequate protection to children and, if relevant, the weaker party in a divorce case, and whether it would be possible to introduce statutory provisions allowing divorce on the basis of a covenant/agreement and thereby avoid court proceedings. At present, divorce can only be granted by a court. Though parties must be represented by counsel, they can submit a joint application for divorce.

As mentioned above, the object of mediation is to provide adequate guarantees protecting

- the interests of any children
- the interests of the weaker of the two parties, if relevant, notably the financially dependent party.

The advantages and disadvantages of mediation will be assessed to see whether the system protects those interests more effectively than conventional court proceedings.

The Ministry of Justice pays the mediator a standard fee if the parties are unable to cover the cost themselves. They are nevertheless required to contribute the amount they would have to pay under the Legal Aid Act, which arranges the costs of legal aid for people with low incomes.

When deciding on an application for orders pending suit, the court may refer parties to a divorce action to a mediator, but cannot force them to take part in the procedure. The parties themselves contact a mediator; they can also ask for a referral from a social work agency.

Forced marriage

The subject of forced marriages crops up quite frequently in the Dutch media. These cases concern girls of ethnic minority origin whose families take it upon themselves to choose their husbands.

Forced marriages are considered unacceptable in the Netherlands. The practice is prohibited by the Marriage (Conflict of Laws) Act, which elaborates on the Convention on celebration and recognition of the validity of marriage, concluded in The Hague on 14 March 1978, to which the Netherlands is a signatory. A registrar of births, deaths and marriages in the Netherlands is competent to decide inter alia on the basis of the Act whether or not a marriage is permissible.

Section 2 of the Act allows marriage provided that:

a) each of the future spouses meets the requirements for celebrating marriage laid down by Dutch law and one of them has Dutch nationality or his/her habitual place of residence in the Netherlands; or
b) each of the future spouses meets the requirements for celebrating marriage laid down by the law of the State of which he/she is a national. If a person has more than one nationality, the law of the State with which he/she has the strongest ties shall prevail.

Without prejudice to section 2, a marriage that would be in breach of public policy is not allowed, for example if either of the parties is under the age of 15, or if either has not freely consented to the marriage. It thus follows that a registrar of births, deaths and marriages may not perform a marriage in these circumstances. Should such marriages nevertheless be performed, the courts may declare them null and void.

LEVEL 3: STRATEGY FOR CULTURAL CHANGE

The proposed statutory amendments allowing marriage between and the adoption of children by partners of the same sex will enable the individuals concerned to regulate by law their own relationship and their relationship to their children. These provisions reflect the government's view that every individual, regardless of sexual preference, should be able to take part on an equal footing in all areas of the life of society. This stance is promoting social acceptance of homosexual relationships.

Annex I

Summary of the in-depth study on the prevention and elimination of violence against women and overview of the recommendations of the Committee on the Elimination of Discrimination against Women on this subject

The prevention and elimination of violence against women

An in-depth study of Dutch policy in the light of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women

Executive summary

by Ineke Boerefijn and Mignon van der Liet-Senders

Contents

Chapter *Page*

1. Introduction 136
2. Obligations 137
3. General policy framework in the Netherlands 139
4. Domestic violence 140
5. Sexual harassment 144
6. Trafficking in women and sexual exploitation 146
7. Violations of sexual and reproductive rights 147
8. Conclusions and recommendations 148

Appendix

Overview of obligations according to the Committee on the Elimination of Discrimination against Women 152

Introduction to the research project

In 1991 the Netherlands ratified the Convention on the Elimination of all Forms of Discrimination Against Women. At the same time, Parliament decided to establish a national procedure under which the Government was required to report to Parliament before reporting to the Committee on the Elimination of Discrimination against Women (CEDAW). To meet this requirement, the Ministry of Social Affairs and Employment, which is responsible for equal opportunities policy, decided to conduct regular in-depth studies of the implementation of the Convention in specific areas. A secondary aim was to promote and contribute to the public debate on equal opportunities issues.

The study of the prevention and elimination of violence against women, of which this document is a summary[1], is one such study. The research project was commissioned by the Ministry of Social Affairs and Employment in December 1999, and was launched in the spring of 2000. It was carried out by a team consisting of Dr Ineke Boerefijn and Mignon van der Liet-Senders, both members of the Netherlands Institute of Human Rights (SIM) and Professor Titia Loenen of Utrecht University's Women's Legal Studies Department, in cooperation with Dr Renée Römkens, Dr Rikki Holtmaat and Dr Yvonne Klerk. Professor Deirdre Curtin, Professor Cees Flinterman and Professor Titia Loenen acted as supervisors. The report was completed on 1 February 2000.

Chapter 1 – Introduction

The research project was an exploratory study of the relationship between the Convention and efforts to prevent and eliminate violence against women in the Netherlands. It centred on the question: *What is the significance of the Convention on the Elimination of all Forms of Discrimination against Women to the Netherlands in preventing and eliminating violence against women?* The three main goals of the project were:

- To gain insight into the human rights aspects of the prevention and elimination of violence against women;
- To concretise the obligations that arise from the Convention, both generally and specifically with regard to violence against women;
- To determine whether Dutch policy on the prevention and elimination of violence against women meets the obligations set out in the Convention.

The researchers analysed the Convention, taking account of the relevant literature and case law, as well as the work of CEDAW itself, its general recommendations and concluding observations. They analysed equal opportunities policy in general and specific policy on violence against women.

The study adopted the definition of the term 'violence against women' as set down in the Platform for Action formulated by the Beijing Fourth World Conference on Women. Chapter 1 of the report deals extensively with CEDAW's General Recommendation No. 19, and other relevant global and national instruments concerning violence against women.

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[1] I. Boerefijn, M.M. van der Liet-Senders en T. Loenen, *Het voorkomen en bestrijden van geweld tegen vrouwen. Een verdiepend onderzoek naar het Nederlandse beleid in het licht van de verplichtingen die voortvloeien uit het Vrouwenverdrag* = The prevention and elimination of violence against women : an in-depth study of Dutch policy in the light of the provisions of the Convention on the Elimination of all forms of Discrimination against Women, Ministry of Social Affairs and Employment, The Hague, 2000.

Chapter 1 also identifies the various forms of violence perpetrated against women. and divides them into a number of categories. It goes on to select four for further study, given their particular relevance to the situation in the Netherlands: domestic violence, sexual harassment, traffic in and sexual exploitation of women, and violations of sexual and reproductive rights.

Chapter 2 deals with more general, international issues, and chapter 3 gives a general overview and analysis of Dutch policy. Chapters 4 to 7 contain the aforementioned four case studies. The concluding chapter (chapter 8) contains an overall analysis of the findings as well as conclusions and recommendations.

Chapter 2 – Obligations

Chapter 2 serves as a framework of reference for the study. The interpretation by CEDAW of the obligations arising from the Convention provides a basis for assessing Dutch policy. The obligations are listed in a chart annexed to the study.

General

Acceptance of the principle that violence against women constitutes a form of discrimination places it within the scope of the Convention, and is thus of the greatest importance. It is a position that has been accepted at the global, regional and national levels, as evidenced by international instruments such as the Declaration on Violence Against Women, the theoretical basis of which was provided by experts in the field of women's studies. The conclusion that violence against women constitutes a form of discrimination is based on the fact that it is gender specific and that men occupy a dominant ideological and social position. It is therefore appropriate that combating violence against women should be part of Dutch equal opportunities policy.

The objective of the Convention is to eliminate all forms of discrimination against women. The Groenman report (1997), a study also commissioned by the Ministry of Social Affairs, went on to identify three sub-objectives, derived from articles 2, 3 and 5. These are (1) to achieve equality before the law and in policy; (2) to improve the position of women; and (3) to combat the dominant gender ideology. In its response to the Groenman report, the Dutch Government supported this conclusion.

The obligation to eliminate discrimination of women, including the obligation to eliminate violence against women, is an obligation of result. The Convention often uses terms such as 'to ensure' and 'to guarantee' which are unambiguous as to the result to be achieved. Terms such as 'appropriate measures' as used in the Convention do not allow States to confine themselves to 'progressively realising' the obligations contained in the Convention. The term 'appropriate measures' is used to denote the measures States parties are required take that are best suited to the situation in their home countries. There is thus a margin of appreciation. This is, however, limited for the following reasons. First, some provisions of the Convention specify what kind of measures must be taken, for example legal measures. Second, States parties must take effective measures, implying, for instance, that they are required continually to monitor the effects of policy. Third, the ban on discrimination obliges States to be non-selective in combating violence. Violence against women should receive at least as much

attention as other forms of violence. Fourth, States parties must respect the rights and freedoms of others. Fifth, in its general recommendations and concluding observations CEDAW specifies what it regards as 'appropriate measures'.

Interpretation by CEDAW

Chapter 2 provides a survey of the relevant general recommendations, in particular General Recommendation No. 19, and of the concluding observations of CEDAW, insofar as they deal with violence against women in any form. This survey, which is annexed to this summary in chart form, was used as a framework for the various parts of the study.

Obligations of a general nature include the establishment of adequate instruments to implement the obligations arising from the Convention. CEDAW considers it of the greatest importance that discrimination against women in general, and violence against women in particular, should be made visible. This requires systematic, continuous research of cause, nature and extent, continual monitoring of the position of women and a comprehensive, coordinated approach, with guidance from an authoritative institution. Cooperation with NGOs is regarded as positive. CEDAW has pointed to the importance of a national plan of action, which should include comprehensive strategies, set targets and deadlines, and include benchmarks for monitoring. Such a plan should also contain information on the (re)allocation of financial resources.

General Recommendation No. 19 requires States parties to take all necessary measures, including legal measures. CEDAW has pointed to the need to ensure effective implementation of legislation and adequate protection by the law. Victims of violence should be able to seek redress. Complaints procedures must be easily accessible. Victims of violence must have effective remedies at their disposal, and must be compensated for the violation and rehabilitated. It is a prerequisite that women should be well aware of their rights. CEDAW has pointed to the need for members of various professional groups, including the police, the judiciary and health care personnel, to gain more gender sensitivity and receive professional training in dealing with violence against women.

General Recommendation No. 19 also deals with preventive measures, including educational campaigns, to change traditional attitudes towards women. The elimination of gender stereotypes is one of the core objectives of the Convention. The protective measures referred to in this general recommendation include refuges, counselling and support for women who are victims of violence. Refuges should be easily accessible and adequately financed. CEDAW has stressed the importance of protection for women, to ensure that they are not confronted with negative consequences when seeking help or lodging complaints.

Chapter 2 subsequently provides an overview of obligations relating to the specific forms of violence that are dealt with in the report: domestic violence, sexual harassment, traffic in women and sexual exploitation, and violations of sexual and reproductive rights. This summary cannot deal with all the factors discussed by CEDAW. Only a limited number of its findings and recommendations will be mentioned here. The complete survey is included in the chart annexed to this summary.

CEDAW points out that a main cause of the problem of *domestic violence* is the economically dependent position of women. CEDAW supports the view that domestic violence, incest and murder for the defence of honour should be criminal offences. It stresses the importance of effective remedies and of carrying out investigations, even if complaints are submitted by third parties. More gender sensitivity and professional training in dealing with violence against women are especially important in combating domestic violence. The protective measures CEDAW refers to include adequate shelter and support, counselling, and rehabilitation programmes for both victims and offenders.

CEDAW stresses the importance of effective complaints procedures offering protection to the victims of *sexual harassment*. The best preventive is economic independence. Victims of sexual harassment should be able to seek redress without fear of negative impact.

International cooperation is needed to combat *traffic in women and sexual exploitation*. CEDAW recommends that States examine the role of the Internet. States must pay due attention to contemporary forms of trafficking and sexual exploitation, such as sex tourism. It recommends that traffic in women and exploitation of prostitutes should be criminal offences. Prostitutes themselves should not be criminalised, but should receive equal protection by law against violence; if prostitution is a criminal offence, pimps should be the ones who are prosecuted and punished. CEDAW observes that the eradication of poverty and decreasing unemployment among women will contribute to the elimination of this type of violence. Protective measures include the creation of new opportunities for women in the labour market, the protection of migrant women against exploitation, protection of prostitutes' health and the rehabilitation of victims of trafficking and exploitation.

In addressing *violations of sexual and reproductive rights*, CEDAW emphasises that women should be free to choose their own form of family planning. When seeking abortion or sterilisation, the consent of the husband should not be a prerequisite. CEDAW has devoted considerable attention to the problem of female genital mutilation (FGM) and teenage pregnancies. CEDAW has made it clear that FGM cannot be tolerated in any form, and recommends that it be made a criminal offence. CEDAW points out that legislation on abortion should not be too restrictive and that women who have had an abortion should not be punished. Preventive measures include measures to prevent coercion, measures to prevent women from seeking unsafe measures to control their fertility (such as illegal and unsafe abortions), accessibility of contraceptives, prevention of teenage pregnancies and elimination of traditional practices through education and legislation. Women must have access to safe abortion, and people who have made a living from carrying out FGM should be provided with alternative means of employment.

Chapter 2 concludes that the Convention on the Elimination of all Forms of Discrimination Against Women provides many useful tools to combat violence against women.

Chapter 3 – General policy framework in the Netherlands

This chapter gives an overview of Dutch policy on equal opportunities in general, and violence against women in particular. The researchers studied policy documents, laws, parliamentary documents, and the literature on the subject. The chapter deals solely with the general policy

framework. Specific forms of violence against women are dealt with in chapters 4 to 7. The analysis aimed at assessing the coherence of policy and identifying possible gaps.

Since a main cause of violence against women is the structural inequality of the sexes, the researchers studied documents on both equal opportunities in general and sexual violence in particular. Empowerment of women is crucial, as well as greater economic independence. The issue of stereotyping received special attention, since changing dominant gender stereotyping constitutes an important goal in preventive policies. Stereotyping – referred to by the Groenman report as the dominant gender ideology - has a negative impact on women's rights. The Ministry of Social Affairs and Employment commissioned a large-scale public information campaign on this issue in the late nineties.

Dutch equal opportunities policy falls into three distinct periods, each with a different focus and a different ministry taking the lead. The first period (*1984-1990*) provided the basis. The policy documents of that period, notably the first government paper on sexual violence, were written from the angle of the right to personal integrity. Care of victims of sexual violence was a central element of policy, as well as prevention. The sexual offences provisions of the Criminal Code were amended during this period.

In the *1990-1995 period*, the focus shifted from the Ministry of Social Affairs, which was policy coordinator during the first period, to the Ministry of Welfare, Health and Cultural Affairs (later Health, Welfare and Sport) and efforts to integrate facilities for victims of violence against women into mainstream health and welfare services. The government adopted a less active approach in this period.

Finally, from *1995 to the present*, the Ministry of Justice has more or less become the central coordinator. Policy documents reflect a more legalistic approach, with the focus on the offender. Relatively more attention is now being devoted to violence in public places and random violence, sexual violence against children and commercial exploitation of children, with less attention for wife battering.

Recently, efforts have been made to develop interdepartmental policy on violence against women. A first policy plan was formulated in January 1999. An interdepartmental working group for the prevention and elimination of violence against women, which was supposed to work out the plan in detail, did some promising work but is now inactive. Nothing has been done with the overall plan, although the Ministry of Justice is now devising interdepartmental policy on domestic violence, which is one of the most urgent issues in the Netherlands.

Chapter 4 – Domestic violence

The study on domestic violence was written by Dr Renée Römkens. It describes the nature and the scale of this type of violence, including battering, stalking, rape by partners, former partners or other acquaintances and sexual abuse by a family member. Insufficient data are available on the occurrence of domestic violence among ethnic and cultural minorities. According to Dr Römkens, domestic violence is a significant problem in the Netherlands. The case study then identifies the various causes, such as dependence, shame, the fact that it occurs in the private sphere and gender aspects.

Sexual offences - general

Much of the relevant legislation is included in the legislation covering sexual offences in general, which was amended radically in 1991 to offer protection to vulnerable groups, especially minors. Criminal provisions were reformulated using gender-neutral terms. An important amendment was the criminalisation of marital rape. Other relevant legislation relates to measures to improve the position of victims in criminal procedures, including victims of sexual violence.

The Public Prosecution Service has recently (1 October 1999) issued guidelines aimed at improving the treatment of victims of sexual offences. This generally leaves much to be desired, but many initiatives have been taken to try to remedy the situation. Despite improvements, the police are often criticised for the way in which they deal with victims of domestic and related forms of violence. With the introduction of the 1993 Police Act and the reorganisation of the police force, many specialised units, including those dealing with sexual offences, were abolished and their tasks incorporated into general police work. A recent policy document issued by the Ministry of the Interior and the Ministry of Justice did not identify domestic violence or the treatment of victims of sexual violence as priority issues, but focused on child pornography and random street violence. The chapter expresses serious concern at the failure to focus attention on sexual offences such as rape and sexual abuse by partners and former partners, acquaintances or family members, which occur relatively frequently and account for much of the violence confronting women.

Police officers are given some training to deal with youth and sexual offences, but wife battering is not dealt with specifically.

Measures have been taken in an attempt to cope with quantitative and qualitative problems in the field of professional support for victims of sexual violence (rape and sexual abuse) and to enhance gender sensitivity among professionals who may have to deal with violence against women. However, little specific attention is devoted to domestic violence.

Battering

Too little focus has been placed on the problem of domestic violence in the past few decades, and recent policy documents devote scant attention to it. It is particularly striking that a policy document on personal safety makes no mention of domestic violence. As yet, it is unclear whether there is a connection between the rise in violence in public places and violence in the private sphere. Nevertheless, policy is aimed primarily at violence in the public sphere. Despite various proposals, the Criminal Code contains no specific provisions on domestic violence.

At national level, wife battering is not a police priority. However, some regional police forces have launched good initiatives, which might be worth implementing elsewhere. There is no national policy to promote cooperation between the police, the public prosecution service and the support services, though a number of initiatives have been taken at local level. Due to lack of financial support, many initiatives cannot be continued. There are too few refuges for victims of battering. Furthermore, health care staff receive inadequate training in gender specific issues and in dealing with the victims of wife battering. Instead, a specialist organisation has been set up for this purpose. The specific circumstances of immigrant women need to be taken into account.

Stalking

Following an initiative by private pressure groups, Parliament passed legislation criminalising stalking in late 1999.[2] It is not yet possible to draw conclusions as to its effects. There is no specific, national policy on counselling and aiding victims of stalking. The Minister of Justice has announced that he will explore scope for the nationwide introduction of a project that has proved successful at local level. However, the decentralisation of the police force could pose a problem here.

Rape by partners, former partners or acquaintances

In 1991, marital rape was made a criminal offence. Research has revealed that there are problems in implementing this provision of the Criminal Code. It has even been concluded that current interpretations, in particular of the terms "coercion" and "willing", have served to protect offenders rather than victims.

Sexual abuse of girls by a family member

In the Dutch Criminal Code, the term "sexual abuse" is used to refer to sexual acts with minors and adults who are in a dependent position, as well as to the use of coercion in sexual relations with physically or mentally handicapped persons. In 1999, the government published a policy paper on sexual abuse of and sexual violence against children specifying that implementation of policy would be coordinated by a project group comprising representatives of both government and non-governmental organisations. A national plan of action to combat sexual abuse and sexual exploitation as well as a comprehensive national plan of activities will be forthcoming.

An evaluation of the amendment of the Criminal Code provisions dealing with sexual offences, and introducing more severe penalties for the sexual abuse of children, showed that the protection of children against sexual abuse had not improved.

In 1994, the limitation period in civil and criminal proceedings was extended to give victims of sexual abuse more time to start proceedings.

In combating incest, criminal law plays a predominant role, as well as treatment of offenders, which is sometimes compulsory. Compulsory disclosure of incidences of sexual abuse is now being discussed. Consensus seems to have been reached against obligatory reporting of cases to the police. Since government policy is aimed at supporting the family, criminal proceedings might have a detrimental effect.

Assessment of Dutch policy

The study concludes that policy on domestic violence is insufficiently coherent, and is even contradictory in places. The plan of action on domestic violence, part of the Equal Opportunities Plan of Action, contains a number of recommendations in the field of communications and coordination. However, much remains to be done, since the recent past shows that the

[2] This legislation entered into force on 12 July 2000.

Government's view of domestic violence is not always clear or consistent. The marginalisation of the problem of wife battering illustrates the lack of a clear vision on the problem of violence against women. There is no coherent policy aimed at preventing battering or rape by partners or former partners. Allocation of responsibilities between central and lower authorities is often a problem.

The Government has commissioned a number of studies on domestic violence. However, there are too little data on the specific situation of women of non-Dutch origin. Moreover, Statistics Netherlands provides no information on the relationship between offender and victim in cases of violence or unnatural death. Too few financial resources are available to provide adequate aid and support facilities. Although many NGOs receive financial support, this is often of a temporary rather than a structural nature.

Mainstreaming of policy should not be detrimental to its effectiveness. However, there are a number of examples in which that is indeed the case: the abolition of the specialised police units that dealt with sexual offences, and the incorporation of specialised care services into general health services.

CEDAW has made it clear that domestic violence should not receive less attention than violence in the public sphere. However, this is not reflected in policy on police responsibilities. Domestic violence is not accorded adequate priority, so that women and girls receive insufficient protection in the private sphere. Marginalisation of domestic violence is most evident in the case of violence by partners and former partners.

There is no comprehensive legislation on domestic violence in the Netherlands. However, the study does not conclude that such legislation is strictly necessary in the Dutch context, since not all policy has a foundation in law. Wife battering falls within the scope of the Criminal Code provisions on assault. However, these may not always be adequate in specific cases of gender-based violence. Given the belief that domestic violence is a private matter outside the remit of either police or prosecutor, it can be concluded that the Criminal Code indeed displays some shortcomings. Further studies are needed to establish whether an amendment of the Criminal Code would be the best solution.

Mandatory arrest in the case of domestic violence is not possible under Dutch law. More scope to arrest offenders and investigate offences can only be created through general legislation. Restraining orders under civil law (a ban on contacting the victim, or appearing in the neighbourhood of the victim) are possible under Dutch law. However, such orders are often difficult to obtain from a court. In weighing the right of the offender to freedom of movement against the right of the victim to security, the court often gives priority to the former. Furthermore, enforcement of such orders is difficult.

Preventive measures have been taken. However, these do not cater adequately for battering or rape by partners. Considerable attention is devoted to treating and rehabilitating all offenders, with the exception of wife beaters and rapists.

Although steps have been taken to enhance gender sensitivity among police officers and prosecutors, and to give them better training in the treatment of victims, implementation leaves much to be desired. Battering and stalking by partners and former partners are seldom taken

seriously, leading to non-intervention and inadequate remedies. Training for the relevant professions, including the police, the prosecution service and the judiciary is in need of improvement. Furthermore, closer cooperation between police, public prosecution service and aid workers is needed if the victims of domestic violence are to receive adequate protection. Successful local initiatives should be implemented at national level.

CEDAW has pointed to the need to ensure that the offender leaves home, rather than *de facto* obliging the victim to seek refuge elsewhere. Dutch civil law may provide sufficient scope for such a measure; if not, amendments should be considered.

Much progress has been made in providing refuges for victims, but significant shortages remain. Due attention must be paid to the specific needs of immigrant women.

Much progress has been made in enhancing the gender sensitivity of aid workers. Despite this improvement, structural embedding of the necessary training is still called for. This holds true for aid to victims of sexual violence, in particular battering. There is still insufficient information on women from ethnic and cultural minorities.

In conclusion, the study put forward the following recommendations:

- develop a national, coherent policy on domestic violence;
- incorporate policies on the prevention of domestic violence into general equal opportunities policy;
- establish policy on domestic violence and incorporate it into policy on safety issues and violence in general;
- demarginalise policy on wife battering;
- enhance possibilities for preventive custody;
- provide for a remedy to force the offender to leave the home in cases of systematic violence, if current civil law turns out to be inadequate;
- make concrete policies on the investigation and prosecution of stalking;
- issue guidelines to the police and the prosecution service on the investigation and prosecution of wife battering;
- closely monitor implementation of policy on granting asylum on the grounds of sexual violence;
- develop preventive measures by educating children, especially on the issue of wife battering;
- inform the general public on the issue of wife battering;
- increase gender sensitivity among police officers and public prosecutors, and train them to deal with violence against women;
- increase gender sensitivity among members of other relevant professions, including health care staff and aid workers.

Chapter 5 – Sexual harassment

The study on sexual harassment was written by Dr Rikki Holtmaat. It deals with sexual harassment in three different contexts: in the workplace, at school, and in the health sector. The only Dutch definition of sexual harassment concerns the workplace, and is therefore not easily applicable to the other contexts, since it does not take their main features into consideration.

Workplace

In many cases there is no specific complaints procedure for sexual harassment in the workplace, since the private sector is not legally obliged to have one. CEDAW has stated that there should be a complaints procedure, and that complainants should be protected from suffering any negative consequences arising from filing a complaint. According to the study, many women in the Netherlands lose their jobs as a result of sexual harassment or filing a complaint against it.

Schools

The Dutch government is undertaking many activities to prevent and eliminate sexual harassment in schools. Efforts are being made to enhance gender sensitivity and improve professional training on the subject. Furthermore, the fact that sex education and pupil empowerment are part of the curriculum is a positive point, but further improvements are required. A project on the prevention of sexual harassment should be financed on a structural basis. The need for a specifically tailored definition of sexual harassment in schools should be looked into. Recent legislation obliging schools to establish general complaints procedures should be evaluated to examine whether they are adequate for victims of sexual harassment, and whether there is sufficient coordination with other relevant institutions. An independent, external, low threshold agency with sufficient expertise to deal with victims of sexual harassment should be appointed.

Health and youth welfare sector

Insufficient data are available on the extent and nature of sexual harassment in the health and youth welfare sector. Victims of sexual harassment can avail themselves of various measures of a general nature. It is the government's view that the various sectors themselves should set the standards. However, none of the available instruments explicitly deal with sexual harassment. Current standards are, however, too vague and refer, for example to "the proper performance of professional duties". Many victims do not know that these instruments can be used to lodge complaints about sexual harassment. Many committees lack the specific expertise that is necessary to deal with this type of complaint; moreover, there are no guarantees that the members of these committees are independent. More qualitative and quantitative research needs to be carried out. If standard setting by the relevant professions proves to be inadequate to deal with sexual harassment, the government should intervene. A study should be conducted to establish whether the sector requires its own definition of sexual harassment.

General conclusions of chapter 5

In many areas, there are insufficient recent data on the nature and extent of the problem of sexual harassment and further qualitative and quantitative research is called for. The ministries involved should improve coordination and information exchange.

The definition of sexual harassment in the workplace conforms to the requirements laid down in General Recommendation No. 19, although more specific definitions may be needed for the education, health care and youth welfare sectors.

Institutions to deal with complaints about sexual harassment are not obligatory and complaints procedures were found to be insufficiently specific to cater for them. There are insufficient guarantees for the independence and expertise of committees dealing with complaints.

Improvements are needed if the requirement of offering effective protection is to be met. Although legal remedies exist in labour law, many women who lodge complaints about sexual harassment in the workplace lose their jobs. There are no specific provisions in the education and health care sectors to protect women from the negative consequences of either sexual harassment or lodging complaints about it.

Measures to prevent sexual harassment, aimed at eliminating stereotypes, have been inadequate.

Chapter 6 – Trafficking in women and sexual exploitation

The chapter on trafficking in women and sexual exploitation was written by Dr Yvonne Klerk. It deals with both forced prostitution and trafficking in women. In the Netherlands, about 30,000 persons work in the prostitution business. The Dutch government does not consider prostitution as such a form of violence against women. The Dutch government's aim is not so much to eliminate prostitution as to prevent women from being forced into it. From 1 October 2000, it will no longer be illegal to run a brothel or other sex business in the Netherlands. Policy will be developed at local level to prevent women from being forced into prostitution, to protect the position of prostitutes and to reduce the number of prostitutes illegally residing in the Netherlands.

Whether article 6 of the Convention addresses pimping as a whole or the practice of forcing women into prostitution is debatable. The UN Declaration on Violence against Women seems to indicate the latter, but CEDAW is of the opinion that pimping should be punishable. This would mean that Dutch policy is not in accordance with the provisions of the Convention. Yet this policy is supported by professional organisations of prostitutes. Women from countries outside the European Union and the European Economic Area are especially vulnerable, since they are excluded from the protective advantages (such as conditions of employment) that legalising brothels presents. Another shortcoming of Dutch policy on prostitution is its failure to include activities directed at male clients of prostitutes, such as educational measures and socialisation programmes.

Forced prostitution is often considered in combination with trafficking in women, the international and national ramifications of which are dealt with in this chapter. The nature and scope of the problem are still largely unclear. In the wake of the EU conference held on the subject in The Hague in 1997, the Netherlands appointed a national rapporteur on trafficking in persons (although the original mandate was "trafficking in women") in January 2000.

Trafficking in women is a crime in the Netherlands. It is important to note, however, how the police and the public prosecution service deal with it, and there have been some problems with regard to investigations and prosecutions. More financial resources and personnel are needed. CEDAW has also drawn attention to the Internet, which is being abused by traffickers. Trends like these and the effects of legalising brothels need to be closely monitored.

It is unclear whether legalising brothels will help eliminate trafficking in women, although that is one of the main objectives. It could well have the reverse effect, especially if monitoring falls short.

This is also the case with forced prostitution within the Netherlands. A specific problem relates to minor girls from ethnic minorities, who are forced into prostitution by their partners. Emotional pressure is common, for example through the use of "lover boys". There have also been several cases of minor girls disappearing from asylum seekers' reception centres, only later to be found working as prostitutes. Special attention has been announced by the government for these girls, since children involved in asylum procedures need to be protected from sexual exploitation.

Finally, the chapter contains an analysis of several new forms of sexual exploitation, such as sex tourism, the recruitment of household personnel from developing countries, and arranged marriages between women from developing countries and men in the Netherlands. More research is needed.

Chapter 7 – Violations of sexual and reproductive rights

The chapter on violations of sexual and reproductive rights was written by Mignon van der Liet-Senders. The chapter first deals with the nature of sexual and reproductive rights and their relationship with health issues and the right to health. The terms "sexual rights" and "reproductive rights" are often used together, but a distinction can be made. Sexual and reproductive rights are closely connected with women's health. Since breaches of sexual and reproductive rights can have severe consequences for women's health, the term is often used in connection with reproductive health. CEDAW has stated in General Recommendation No. 19 that violence against women jeopardises the health and lives of women, and that States parties are required by article 12 of the Convention to take measures to ensure equal access to health care (to family planning). The Committee also stated that traditional practices perpetuated by culture and tradition are harmful to the health of women and children. These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation.

There are many possible infringements of sexual and reproductive rights. The rest of the chapter focuses on female genital mutilation and unwanted pregnancy, since these are the most relevant to the Dutch situation. Dutch policy documents tend to refer to 'female circumcision'. However, female genital mutilation or FGM is the recommended term, since it is used at international level.

Dutch government policy does not tolerate female genital mutilation in any form, since it is a practice that is counter to opinion in the Netherlands on the equality of women and their position in society. However, it is not subject to specific penalties. The government is of the opinion that the general provisions on assault in the Criminal Code and the regulations governing the medical profession are adequate. Questions have been asked in Parliament on several occasions on practices relating to female genital mutilation in the Netherlands.

There are no data on its occurrence in the Netherlands. It is likely that many Somali women and girls have been mutilated. It is, however, unlikely that the practice is restricted to the Somali

community. Since the Netherlands is now home to an increasing number of ethnic minority groups, the issue of female genital mutilation requires appropriate attention.

CEDAW's general recommendation on FGM stresses that States parties should take necessary and effective measures to eliminate the practice. Such measures include assembling data, supporting women's organisations, and introducing appropriate education and training programmes. The chapter concludes that the Criminal Code should be amended to include specific provision banning female genital mutilation. However, more measures are needed, such as educational activities to influence cultural attitudes..

The final part of this chapter deals with unwanted pregnancies, which do not constitute a major problem in the Netherlands. There is no evidence of involuntary pregnancies or involuntary abortions. Some 20,000 abortions are carried out in the Netherlands every year. This is the lowest abortion rate in the world, although it is rising slightly among women of non-Dutch origin.

Abortion in the Netherlands is well organised and accessible. A woman does not need permission from her husband to have an abortion. Freedom of choice is essential, and contraceptives should therefore continue to be widely available and affordable. The fact that relatively more women from ethnic minorities are now having abortions gives cause for concern.

Chapter 8 – Conclusions and recommendations

The concluding chapter provides an overall analysis of the findings of the study, as well as general and specific conclusions and recommendations. Many of the conclusions on specific forms of violence against women have already been included in this summary. The main general findings are summarised in this section.

- Dutch policy has not always taken sufficient account of the fact that the problem of violence against women is a human rights issue. Recent policy documents have been written from a broad human rights angle.
- Policy documents published after 1990 no longer assume that violence against women is a result of structural inequality between men and women. Policy on the issue should be firmly anchored in equal opportunities policy.
- The gender-specific nature of violence against women is no longer the main point of departure of Dutch policy. Policy is now formulated in gender-neutral terms. Policy aimed at dealing with other urgent problems has deflected attention from the issue of violence against adult women.
- Domestic violence does not always receive proper attention. Far more efforts are being made to eradicate violence in the public rather than the private sphere. Proper acknowledgement has not yet been given to the fact that violence against women is also a social problem.
- The eradication of violence against women should be given high priority in Dutch policy, given the obligations implicit to the Convention. Violence against women does not receive the same attention as other forms of violence.
- Policy is poorly coordinated. A number of ministries have developed their own policies on violence against women or equal opportunities, while others have developed none.

Coordination needs improving. Though some steps have been taken in the right direction, they have not yet led to the desired outcome.

- During the past decades different ministries have taken the lead in developing policy on violence against women. This has resulted in shifts in policy, which were more accidental than deliberate and were the result of poor coordination.
- A member of government should be responsible for substantive and technical coordination of policy on violence against women. There should be a coherent, visible policy. Government accountability should be clear.
- Data are either inadequate or outdated in some areas. Systematic, continuous research should be carried out. Policy in this field must be coordinated adequately, and research must take the diversity of Dutch society into account.
- The allocation of responsibilities between central and lower tiers of government constitutes a bottleneck in various areas.
- Sufficient resources are not always available, or not available on a structural basis.
- Many legislative measures have been taken which have had a positive effect on the eradication of violence against women. There is no legislation covering the entire issue, and it is still unclear whether it would be the right solution for the Netherlands. Further research into this matter is called for. New legislation on, for instance, female genital mutilation is needed.
- No major shortcomings were found in complaints procedures. In principle, the Netherlands has institutions to deal with all complaints about violence. However, existing procedures are not always sufficiently specific to deal adequately with the issue of violence against women; many committees or other institutions, including the police, the public prosecution service and the judiciary, lack sufficient expertise. The independence of the institutions dealing with complaints is not always guaranteed. Moreover, it is sometimes not clear to victims what remedies they have at their disposal, making access difficult. Shortcomings were found in procedures relating to sexual harassment.
- The Convention distinguishes two related types of preventive measure: first, the empowerment of women, which calls for women's economic independence and changes to traditional roles, and second, the need to address stereotyping of men and women. Dutch policy is based on these two pillars, although policy on violence against women should be more firmly anchored in equal opportunities policy. Improvements are necessary with regard to stereotyping. Although there have been campaigns, the goals set have not been achieved. Moreover, there have been no campaigns on issues such as wife battering. More measures need to be taken in the field of education.
- The study shows that refuges and support services for women victims of violence have greatly improved. However, serious shortcomings were still found. There are too few refuges. The quality of refuges and support services needs further improvement through professional education and training and efforts to enhance gender sensitivity.
- The lack of gender sensitivity among police officers and public prosecutors gives rise to concern. The treatment of victims of sexual offences in particular leaves much to be desired. Focus on violence against women is not a structural element in the training of the relevant professional groups. Local projects that have proved to be successful should be implemented at national level.

Chapter 8 concludes with 108 recommendations, addressing general and specific policy issues. The general recommendations based on the overall analysis are included in this summary. Most recommendations based on the four case studies have already been mentioned.

Points of departure of policy

- Violence against women is a human rights problem. This principle undergirds policy on its eradication and should be referred to specifically in all relevant policy documents.
- Violence against women is a social problem, rather than a private problem or a women's problem. This principle undergirds policy on its eradication and should be referred to specifically in all relevant policy documents.
- Violence against women is caused by the structural inequality between men and women. This is an insight that should play a crucial role in the development of policy.
- Ensuring economic independence of women, bringing about a fundamental shift in the responsibility for performing care tasks and empowerment of women should continue to be priorities.
- Policy on violence against women should be firmly anchored in equal opportunities policy.
- Policy aimed at the eradication of male and female stereotypes should be continued and enhanced.
- The gender specific nature of violence against women should be re-affirmed. Mainstreaming of policy should not result in increased attention for violence in general and less for battering, rape and harassment of adult women.

A National Plan of Action

- A National Plan of Action must be adopted to prevent and combat all forms of violence against women.
- The National Plan of Action should take into account CEDAW's General Recommendation No. 19, the UN Declaration on the Elimination of Violence against Women and the Beijing Platform for Action.
- The National Plan of Action must be comprehensive. It should define the framework for all aspects of future policy concerning violence against women.
- The National Plan of Action must be drafted in close co-operation with experts, including NGOs.
- NGOs should be involved in implementing the various elements of the National Plan of Action.

Research and monitoring

- Statistical data should be collected and published continually in order to provide insight into the nature, causes and consequences of the problem.
- There should be qualitative and quantitative research into the structural nature, causes and consequences of the problem. This calls for a permanent investment in studies of, recommendations on and evaluation of policy measures.
- All policy measures must be evaluated. Adequate monitoring is required.
- Specific attention must be paid to the position of women from ethnic and cultural minorities and other vulnerable groups of women.
- Choosing a policy instrument must be based on research.
- Choosing a policy instrument requires benchmarks, and time frames within which these must be realised.

Determining priorities

- Government must be seriously committed.
- Sufficient resources must be made available on a structural basis.
- Violence against women should obtain at least the same priority as violence in the public sphere.

Complaints procedures and remedies

- The use of complaints procedures must be encouraged.
- The expertise and independence of committees dealing with complaints must be guaranteed.

Preventive measures

- Equal opportunities policy should be vigorously pursued.
- National campaigns aimed at the eradication of stereotypes should be intensified, in particular on the issue of violence in the private sphere.
- More attention should be paid in schools to the eradication of stereotyping.
- Policy on stereotyping should focus on the effects of pornography, in particular violent pornography.
- The text of the Convention, the Optional Protocol, CEDAW's general recommendations, the concluding observations on the Netherlands, the UN Declaration on Violence against Women etc. should be made widely accessible.
- Women should be properly informed of their human rights in general, and on their rights in connection with violence against women in particular.

Protective measures

- Shortages in refuges and support services should be alleviated as soon as possible.
- Support services should only be integrated into general health care services when there is sufficient expertise in the latter field.
- Expertise in the health care sector should partly be gained by including the issue in professional training.
- Cooperation between various support services must be encouraged, but it can only be successful if there is sufficient financial support.

Police and public prosecution service

- Attention should be devoted to the issue of violence against women in the professional training of police officers, public prosecutors and the judiciary.
- The police should have specialists to deal with victims of sexual offences.
- Successful local projects should be implemented at national level.
- Specialist institutions in the field of professional training should receive structural funding.

Appendix

Overview of obligations according to the Committee on the Elimination of Discrimination against Women

Type of violence	General	Legislation
Violence against women in general, and all specific types of violence	- Acknowledge that this is a social problem, not an individual problem or a women's problem - Recognise as a violation of human rights - National action plan comprising a comprehensive and structured programme - Commitment by government at top level, or a national agency - Ongoing research on the nature, magnitude and consequences of the problem - Research on the nature and prevalence of stereotypes and customs that perpetuate violence against women - Assessment of the effectiveness of measures against the problem - Statistics database - Adequate resources - Consult experts from civil society, including NGOs, on all aspects of policy - Mainstream, but without reducing effectiveness - High priority to cases involving violence against women - Stereotype views of women as sex objects perpetuate pornography, other forms of commercial exploitation, and violence against women	- Specific legislation on violence against women - Legislation must not be discriminatory - Full legal protection for sex workers - Burden of proof in sex offences must not be more difficult than for other offences - Legislation must respect women's integrity and dignity - Criminal law measures - Civil law measures - Complaints procedures - Assistance to victims - Legislation must protect against secondary victimisation - Compensation for victims - Rehabilitation of victims - Revenge killing must be made a criminal offence - Revenge may not constitute an extenuating circumstance - A woman who commits an indictable offence in reaction to habitual violence should be allowed to claim self-defence

Complaints procedures and legal remedies	Preventive action	Protective action
- Give wide publicity - Make accessible - Ensure effective protection - Encourage women to use these provisions; enlist help of NGOs - Compen-sation	• Counteract stereotypes though education and information • Change conventional role patterns • Enable women to be economically independent • Empower women • Target measures at boys and men • Deploy the media • Eliminate traditions and conventions that perpetuate violence against women • Raise awareness: circulate text of the Convention, country reports and other relevant information in the Netherlands	- Specialised care services - Medical and mental health care - Help and support - Legal aid, counselling - Extra professional training in relevant sectors - Protocols for hospitals on how to treat women victims of violence - Rehabilitation of victims - Protect against secondary victimisation

Type of violence	General	Legislation
Domestic violence	- Police and judicial authorities must give domestic violence the same priority as other types of crime	- Criminalise domestic violence - Criminalise incest - Criminalise revenge killing - Don't reduce penalties for offenders who invoke "family honour" - Specific legislation is recommended - Statutory legal aid schemes and compulsory treatment for offenders
Sexual harassment	- Impose sanctions for sexual harassment	- Effective statutory protection

Complaints procedures and legal remedies	Preventive action	Protective action
- Victim not required to file complaint. Cases should be investigated and prosecuted, even if complaint is filed by a third party - Helpline	- Change stereotype thinking - Promote women's economic independence; create jobs - Encourage men to take more responsibility for home and family - Rehabilitation programmes for offenders	- Extra professional training in relevant sectors - Protect the safety of victims - If a couple separates, the man, not the woman, should leave the home - Help and support - Legal aid and other services - Rehabilitation programmes for victims - Rehabilitation programmes for offenders - Support for families affected by domestic violence
- Complaints procedures must be accessible - They must be effective - They must provide protection - Special attention: health care sector	- Protection against sexual harassment - Promote women's economic independence	- Protection against secondary victimisation - Complaints procedures must provide protection

Type of violence	General	Legislation
Traffic in women and sexual exploitation	- International cooperation is vital - Implementation of the Ministerial Declaration of The Hague - Investigate effects of the internet - Agenda point: prostitution in armed conflicts - Agenda point: new forms of traffic and exploitation, e.g. sex tourism, recruitment of domestic staff in developing countries and certain kinds of arranged marriages; the women concerned are at risk	- Criminalise traffic in women - Criminalise exploitation of sex workers: target pimps and procurers - Decriminalise prostitution - Sex workers should have full protection against sexual violence
Interference with sexual and reproductive rights	- Emphasis on women's freedom of choice in family planning - Sterilisation and abortion must be allowed without husband's consent - Special attention: harmful traditional practices as a cause - Emphasise consequences of too many pregnancies and teenage pregnancy	- Criminalise genital mutilation - Abortion laws should not be too restrictive - Having an abortion should not be punishable

Complaints procedures and remedies	Preventive action	Protective action
	- Reduce poverty among women - Reduce unemployment - Information campaigns in countries of origin - Resocialisation programmes for men and women	- Create new jobs for women - Protect migrant women from exploitation - Special training for border control officials - Measures to protect sex workers' health - Rehabilitation of victims of sexual exploitation and traffic in women: social reintegration - No compulsory medical examinations specifically for sex workers
	- Measures to prevent coercion in reproductive and fertility issues - Measures to prevent women from having to resort to harmful practices such as illegal and unsafe abortions - Make contraception easily available, effective, affordable and promote acceptable methods - Supply free or subsidised contraceptives - Target information at men and boys as well as women - Take measures to prevent teenage pregnancies - Combat traditional practices through education and legal measures	- Safe abortion must be available - Those who practise circumcision must have some other form of employment

Annex II

EXPERIMENTS TO FACILITATE COMBINING WORK AND CARE IN THE NETHERLANDS

Over the past few years, the government's emancipation policy has brought to light a number of traditional structures in society which make it difficult for people to combine work and private life. In 1995, a committee was appointed to develop a scenario for redistributing unpaid work, so that men and women can take equal responsibility for work and care. In most households the division of tasks has changed dramatically over the past few decades. Society has largely abandoned the conventional idea of a breadwinner, with one person in the family – usually the man – earning the family income. A growing number of women entered paid employment in the 1980s and 1990s, thereby combining a job with domestic and family obligations, while men gradually assumed more responsibility for family and home. This trend has continued ever since. Family obligations involve caring not only for children, but also for sick or elderly relatives. Added to this, working people with family responsibilities also need time for their own development and leisure activities.

Increasing diversity in society is changing the way people balance their work and private schedules. For instance, more people are opting for alternative lifestyles, establishing relationships of varying duration. One effect is that people often form part of a larger circle of carers, as in the case of *co-parenting*. All in all, these changes demand new forms of and new ways of organising space and time.

Committee on the combination of care and paid work

On 4 November 1996, the Minister of Social Affairs and Employment appointed a committee to explore ways of solving the problems of combining work and care. The committee focused primarily on practical and organisational factors.

Though the public was initially sceptical about the whole idea, by the time the committee published its report in April 1998, the issue was firmly on the social and political agenda. It had become generally accepted that collective solutions were needed to deal with the problems faced by people struggling to balance the demands of work and home. A survey

conducted by the committee in the latter half of the 1990s showed that over two million men and women were facing difficulties of this kind, and the problem has continued to grow.

The committee recommended the following:

- working hours should take more account of caring responsibilities
- childcare services should suit the needs of working parents
- services, such as domestic help, launderettes and libraries, should be available when and as required
- local services should be tailored to the needs of workers with family commitments

One of the committee's main recommendations is that the problems of combining work and care should be given a higher profile across the board.

Measures to facilitate the combination of work and care

On 24 March 1999, in response to the committee's report, the government launched a programme of measures to facilitate the combination of work and care, with a four-year budget of 60 million guilders for experimental projects, seminars and an information campaign. The projects must be innovative and address the needs of working people with family commitments, primarily by devising new forms of co-operation. A project office was established to implement the programme.

The programme aims to achieve this objective by the following means:

- co-ordinating working hours with the opening times of schools, childcare services, leisure facilities, shops, and other services
- improving access to the above by rezoning premises and providing appropriate transport
- developing new services and facilities and alternative care enterprises
- persuading employers to introduce a better balance between work and private life.

The results of these experiments will be widely publicised and thereby contribute to new policies in a variety of fields.

The programme has proved extremely successful and has attracted a great deal of interest. 260 project proposals had been received by mid-2000, and 76 experimental projects have already been launched. Approximately 130 are expected to be under way by early 2001.

Steering group

A steering group comprising key figures in Dutch society has been appointed to publicise the programme and promote a better balance between work and care. It also advises the State Secretary for Emancipation Policy, on request or on its own initiative.

Focus groups

Representatives of the various projects meet periodically to exchange views and seek solutions to problems. They discuss the results of relevant studies and the opinions of experts and examine policy proposals. Their input makes it possible to see at an early stage what direction the experiments are taking. This approach is paving the way for the implementation of a policy on the combination of work and care. The steering group and the project office organise regular activities such as conferences, seminars and consultations with experts, to give the issue a high public profile. The government launched a campaign on television and radio in the spring of 2000 on the subject of combining work and care. A booklet was also published.

Thanks in part to the committee's careful preparations, the programme has succeeded in attracting a great deal of public interest. This is the first time the Netherlands has based policy on the outcome of experimental projects conducted in various parts of the country, and it seems to be bearing fruit sooner than expected. Combining work and care is high on both the public and political agenda, as it becomes increasingly clear that solutions to the problems of combining work and care must be sought by co-ordinating policies in a variety of fields that have never before been linked.

Initial results of experiments

It is too early to predict the ultimate impact of these projects. The results will be available and systematically evaluated at the end of 2002. They will be analysed and processed with the aid of a monitoring mechanism designed specifically for this purpose.

Yet even now it is possible to identify certain trends. A number of themes have emerged from the first review of the projects and the focus groups' discussions.

Land-use planning

Land-use planning is an important factor for workers with family responsibilities. There are often large distances between the services and facilities people need, such as childcare centres, schools, shops, sports centres, libraries and medical services. The problem is often greater in rural communities. Planning often fails to take account of the needs of parents who ferry their children to and from school, and who work, shop, take children to sports centres and fetch them afterwards. Clustering such facilities at a central point would help to solve the problem. Much depends on whether combining work and care features in the government's spatial planning, and whether existing legislation can be amended accordingly. A "work/care impact assessment" might be useful in this connection. Initial indications from the experiments are being incorporated at the last minute in the government's fifth policy document on spatial planning, which will be published in the autumn of 2000.

Time management

Though working hours and the opening times of services and facilities are often poorly synchronised, there is a trend towards more flexible working hours suited to the needs of staff with family responsibilities. In view of the results of the projects described above, consideration should be given to the possibility of changing, and perhaps extending, the opening hours of public facilities and services such as libraries, government departments and medical services. Many people would benefit as a result. Studies show that only 3 percent of family doctors and specialists hold evening or weekend surgeries, which is a problem for the majority of working people with family obligations.

The role of employers

Several projects are experimenting with time management as a means of enabling workers to combine the demands of workplace and home. In this connection, employers must redefine the concepts of "work" and "private life" and adopt a different approach towards them. At present, too little attention is paid to the problems of workers struggling to balance the two. The solution therefore lies in changing employers' attitudes on the one hand, and on the introduction of specific measures, such as flexible working hours and teleworking, on the other. The idea of staff being accessible instead of present at the workplace could be a useful instrument in this respect, as it would allow people to

work at home. The government's "accessibility scenario", developed in 2000, incorporates this idea and proposes various systems of flexible working hours.

Businesses and services

Many of the experimental projects aim to co-ordinate the provision of services by extending their opening times, making special provisions for parents and children, and integrating family-friendly services such as domestic help, launderettes and libraries. This is in line with the development of community schools in the Netherlands. In December 1999, the steering group on combining work and care published a report launching the idea of providing school classes, childcare services and leisure facilities in the same premises, all managed by a single authority. The idea is to create a one-stop facility, open six days a week from 8.00 hours to 18.00 or even 20.00 hours, if possible. Many of the projects involve using buildings and other premises for a variety of purposes, which means that new administration, management and operating systems will be needed to co-ordinate services effectively. The principal aim is to provide a flexible childminding service before, during and after school hours. Any service of this kind should be accessible to all, including low-income, single working parents.

Family-friendly services

Developments in this field have been more rapid than was originally anticipated, mainly because the commercial sector has been quick to respond to consumer demands. Nevertheless, it is important that services are accessible to all, regardless of income. Some of the projects aim to develop family-friendly services into a new business sector with special training schemes and clear parameters. Another objective is to encourage businesses and employers to provide childminding facilities and other family-friendly services.

Local social policy

This focuses on the link between social cohesion and arrangements for combining work and care, particularly in the case of low-income or predominantly ethnic neighbourhoods. Both formal and informal networks should be used to advantage. The position of voluntary workers in these processes should also be examined.

Rural communities

People living in rural communities often have difficulty reaching services and facilities because of the relatively large distances between them. A dynamic community depends on access to at least a minimum level of services, facilities and transport. In this context, the minimum should take account of workers with family responsibilities. Several projects are experimenting with both public and private transport schemes for schoolchildren and disabled and elderly people. Some of these schemes are linked to new small-scale provision models, while others are examining the possibility of creating work and care schemes in rural community centres or low-cost daycare based on a franchise system.

The official combination of work and care programme will continue until 31 December 2002, by which time the projects should have a high public profile.